1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

233 561 cribing the relations of men to their cattle, for the change from boyhood to manhood is most clearly marked by a corresponding change in those relations at initiation.

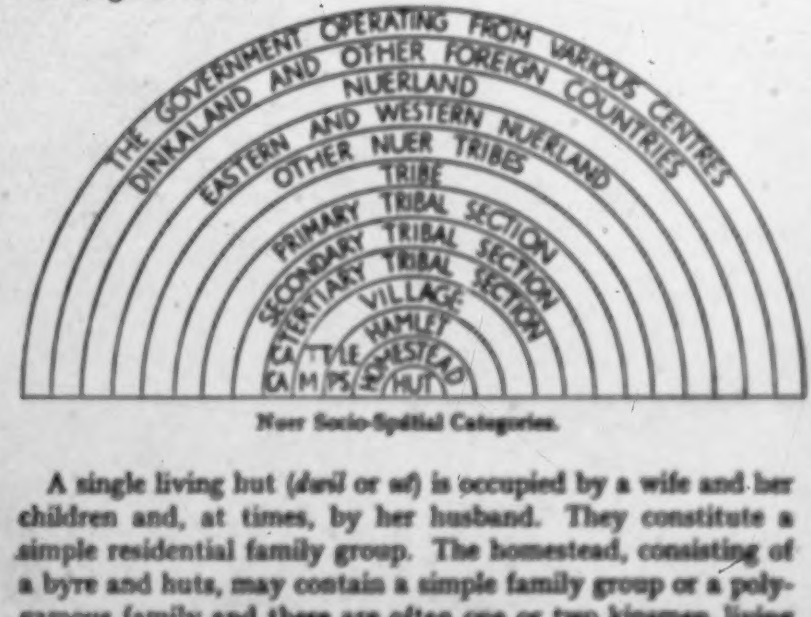
233 621 Small local groups pasture their cattle in common and jointly defend their homes and herds. Their solidarity is most evident in the dry season when they live in a circle of windscreens around a common kraal, but it can also be seen in their wet season isolation. A single family or household cannot protect and herd their cattle alone and the cohesion of territorial groups must be considered in the light of this fact.

233 581 The network of kinship ties which links members of local communities is brought about by the operation of exogamous rules, often stated in terms of cattle. The union of marriage is brought about by payment of cattle and every phase of the ritual is marked by their transference or slaughter. The legal status of the partners and of their children is defined by cattle-rights and obligations.

233 424 Cattle are owned by families. While the head of the household is alive he has full rights of disposal over the herd, though his wives have rights of use in the cows and his sons own some of the oxen. As each son, in order of seniority, reaches the age of marriage he marries with cows from the herd. The next son will have to wait till the herd has reached its earlier strength before he can marry in his turn. When the head of the household dies the herd still remains the centre of family life and Nuer strongly deprecate breaking it up, at any rate till all the sons have married, for it is a common herd in which all have equal rights. When the sons are married they and their wives and children generally live in adjacent homesteads. In the early part of the dry season one sees a joint family of this kind living in a circle of windscreens around a common kraal, and in the big camps formed later in the year one finds them occupying a distinct section in the lines of windscreens. 233 583 The bond of cattle between brothers is continued long after each has a home and children of his own, for when a daughter of any one of them is married the others receive a large portion of her bride-wealth. Her grandparents, maternal uncles, paternal and maternal aunts, and even more distant relatives, also receive a portion. Kinship is customarily defined by reference to these payments, being most

already made, we will give immediate consideration only to political distance and only to some characteristics of it.

631 Nuer give values to local distributions. It might be thought a simple matter to discover what these values are, but since they are embodied in words, one cannot understand their range of reference without considerable knowledge of the people's language and of the way they use it, for meanings vary according to the social situation and a word may refer to a variety of local groups. It is, nevertheless, possible to differentiate them and to make a crude formal classification of them, as we have done in the diagram below.


THE GOVERNMENT OPERATING FROM VARIOUS CENTRES
DINKALAND AND OTHER FOREIGN COUNTRIES
NUERLAND
EASTERN AND WESTERN NUERLAND
OTHER NUER TRIBES
TRIBE
PRIMARY TRIBAL SECTION
SECONDARY TRIBAL SECTION
TERTIARY TRIBAL SECTION
VILLAGE
HAMLET
CATTLE CAMPS
HOMESTEAD
HUT

Nuer Socio-Spatial Categories.

592 • 621 A single living hut (*dwil* or *ut*) is occupied by a wife and her children and, at times, by her husband. They constitute a simple residential family group. The homestead, consisting of a byre and huts, may contain a simple family group or a polygamous family and there are often one or two kinsmen living there as well. This group, which we call a household, is often referred to as the *gol*, a word which means 'hearth'. A hamlet with gardens and waste land around it is called *dhor* and each has its special name, often derived from some landmark or from the name of the senior kinsman living there. 621 A hamlet is generally occupied by close agnatic kinsmen, often brothers, and their households, and we call this group of persons a joint family. As these groups are not treated in our account we say no more about them. It must be remembered, however, that a

621

[141]

village is not an unsegmented unit but is a relation between a number of smaller units.

The village is a very distinct unit. It is sometimes referred to as *thur*, a ridge of high ground, but generally as *cieng*, a word which may be translated 'home', but which has such a variety of meanings that we shall devote a special section to it. A village comprises a community, linked by common residence and by a network of kinship and affinal ties, the members of which, as we have seen, form a common camp, co-operate in many activities, and eat in one another's byres and windscreens. A village is the smallest Nuer group which is not specifically of a kinship order and is the political unit of Nuerland. The people of a village have a feeling of strong solidarity against other villages and great affection for their site, and in spite of the wandering habits of Nuer, persons born and bred in a village have a nostalgia for it and are likely to return to it and make their home there, even if they have resided elsewhere for many years. Members of a village fight side by side and support each other in feuds. When the youths of a village go to dances they enter the dance in a war line (*dep*) singing their special war chant.

A cattle camp, which people of a village form in the drought and in which members of neighbouring villages participate, is known as *wec*. While this word has the meaning of 'camp' in contrast with *cieng*, 'village', both words are used in the same general sense of local community. Thus when it is said of a certain clan that they have no *wec* we are to understand that they nowhere in a tribal section or village form a dominant nucleus of the community and that, therefore, no local community takes its name from them. A large camp is called after the dominant lineage in it or after the village community who

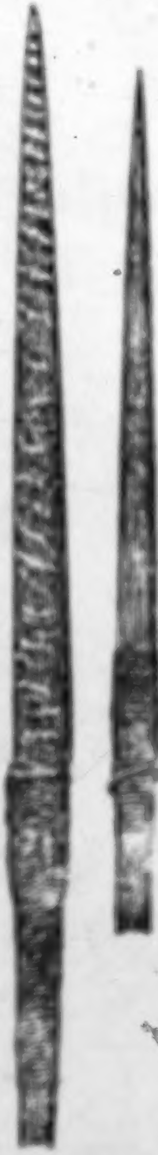


FIG. 11. Horn and ebony spears

621 occupy it, and small camps are sometimes named after an old person of importance who has erected his windscreen there. We have seen that the social composition of a camp varies at different times of the drought from the people of a hamlet to the people of a village, or of neighbouring villages, and that men sometimes camp with kinsmen living in camps other than those of their own villages. Consequently, while local communities of the rains tend to be also local communities in the drought their composition may be somewhat different. We again emphasize that not only are the people of a camp living in a more compact group than the people of a village, but also that in camp life there is more frequent contact between its members and greater co-ordination of their activities. The cattle are herded together, milked at the same time, and so on. [592] In a village each household herds its own cattle, if they are herded at all, and performs its domestic and kraal tasks independently and at different times. In the drought there is increasing concentration and greater uniformity in response to the greater severity of the season.

634
619 We sometimes speak of a district to describe an aggregate of villages or camps which have easy and frequent intercommunication. The people of these villages take part in the same dances, intermarry, conduct feuds, go on joint raiding parties, share dry season camps or make camps in the same locality, and so on. This indefinite aggregate of contacts does not constitute a Nuer category or a political group, because the people do not see themselves, nor are seen by others, as a unique community, but 'district' is a term we employ to denote the sphere of a man's social contacts or of the social contacts of the people of a village and is, therefore, relative to the person or community spoken about. A district in this sense tends to correspond to a tertiary or a secondary tribal segment, according to the size of the tribe. In the smallest tribes a whole tribe is a man's district, and a district may even cut across tribal boundaries in that in a large tribe a border village may have more contacts with neighbouring villages of another tribe than with distant villages of its own tribe. The sphere of a man's social contacts may thus not entirely coincide with any structural division.

A number of adjacent villages, varying in number and total

648 In 1920 large-scale military operations, including bombing and machine-gunning of camps, were conducted against the Eastern Jikany and caused much loss of life and destruction of property. There were further patrols from time to time, but the Nuer remained unsubdued. In 1927 the Nuong tribe killed their District Commissioner, while at the same time the Lou openly defied the Government and the Gaawar attacked Duk Faiyuil Police Post. From 1928 to 1930 prolonged operations were conducted against the whole of the disturbed area and marked the end of serious fighting between the Nuer and the Government. Conquest was a severe blow to the Nuer, who had for so long raided their neighbours with impunity and whose country had generally remained intact.

X

000 In our account of Nuer time-reckoning we noted that in one department of time their system of reckoning is, in a broad sense, a conceptualization, in terms of activities, or of physical changes that provide convenient points of reference for activities, of those phases of the oecological rhythm which have peculiar significance for them. We further noted that in another department of time it is a conceptualization of structural relations, time units being co-ordinate with units of structural space. We have given a brief description of these units of structural space in its political, or territorial, dimension and have drawn attention to the influence of oecology on distribution and hence on the values given to the distribution, the interrelation between which is the political system. This system is not, however, as simple as we have presented it, for values are not simple, and we now attempt to face some of the difficulties we have so far neglected. We start this attempt by asking what it is the Nuer mean when they speak of their *cieng*.

196 Values are embodied in words through which they influence behaviour. When a Nuer speaks of his *cieng*, his *dhor*, his *gol*,
•621 &c., he is conceptualizing his feelings of structural distance, identifying himself with a local community, and, by so doing, cutting himself off from other communities of the same kind. An examination of the word *cieng* will teach us one of the most fundamental characteristics of Nuer local groups and, indeed, of all social groups: their structural relativity.

621 196 What does a Nuer mean when he says, 'I am a man of such-and-such a *cieng*'? *Cieng* means 'home', but its precise significance varies with the situation in which it is spoken. If one meets an Englishman in Germany and asks him where his home is, he may reply that it is England. If one meets the same man in London and asks him the same question he will tell one that his home is in Oxfordshire, whereas if one meets him in that county he will tell one the name of the town or village in which he lives. If questioned in his town or village he will mention his particular street, and if questioned in his street he will indicate his house. So it is with the Nuer. A Nuer met outside Nuerland says that his home is *cieng Nath*, Nuerland. He may also refer to his tribal country as his *cieng*, though the more usual expression for this is *rol*. If one asks him in his tribe what is his *cieng*, he will name his village or tribal section according to the context. Generally he will name either his tertiary tribal section or his village, but he may give his primary or secondary section. If asked in his village he will mention the name of his hamlet or indicate his homestead or the end of the village in which his homestead is situated. Hence if a man says '*Wa ciengda*', 'I am going home', outside his village he means that he is returning to it; if in his village he means that he is going to his hamlet; if in his hamlet he means that he is going to his homestead. *Cieng* thus means homestead, hamlet, village, and tribal sections of various dimensions.

The variations in the meaning of the word *cieng* are not due to the inconsistencies of language, but to the relativity of the group-values to which it refers. I emphasize this character of structural distance at an early stage because an understanding of it is necessary to follow the account of various social groups which we are about to describe. Once it is understood, the apparent contradictions in our account will be seen to be contradictions in the structure itself, being, in fact, a quality of it. The argument is here introduced in its application to local communities, which are treated more fully in the next chapter, and its application to lineages and age-sets is postponed to Chapters V and VI.

829 A man is a member of a political group of any kind in virtue of his non-membership of other groups of the same kind. He sees them as groups and their members see him as a member of a group, and his relations with them are controlled by the structural distance between the groups concerned. But a man

does not see himself as a member of that same group in so far as 829
he is a member of a segment of it which stands outside of and is opposed to other segments of it. Hence a man can be a member of a group and yet not a member of it. This is a fundamental principle of Nuer political structure. Thus a man is a member of his tribe in its relation to other tribes, but he is not a member of his tribe in the relation of his segment of it to other segments of the same kind. Likewise a man is a member of his tribal segment in its relation to other segments, but he is not a member of it in the relation of his village to other villages of the same segment. A characteristic of any political group is hence its invariable tendency towards fission and the opposition of its segments, and another characteristic is its tendency towards fusion with other groups of its own order in opposition to political segments larger than itself. Political values are thus always, structurally speaking, in conflict. One value attaches a man to his group and another to a segment of it in opposition to other segments of it, and the value which controls his action is a function of the social situation in which he finds himself. For a man sees himself as a member of a group only in opposition to other groups and he sees a member of another group as a member of a social unity however much it may be split into opposed segments.

Therefore the diagram presented on p. 114[5] illustrates political structure in a very crude and formal way. It cannot very easily be pictured diagrammatically, for political relations are relative and dynamic. They are best stated as tendencies to conform to certain values in certain situations, and the value is determined by the structural relationships of the persons who compose the situation. Thus whether and on which side a man fights in a dispute depends on the structural relationship of the persons engaged in it and of his own relationship to each party.

We need to refer to another important principle of Nuer 186
political structure: the smaller the local group the stronger the 626
sentiment uniting its members. Tribal sentiment is weaker than 619
the sentiment of one of its segments and the sentiment of a segment is weaker than the sentiment of a village which is part of 571
it. Logically this might be supposed to be the case, for if unity

[5] [See category 116 — Analyst]

186 621 619 571

within a group is a function of its opposition to groups of the same kind it might be surmised that the sentiment of unity within a group must be stronger than the sentiment of unity within a larger group that contains it. But it is also evident that the smaller the group the more the contacts between its members, the more varied are these contacts, and the more they are co-operative. In a big group like the tribe contacts between its members are infrequent and corporate action is limited to occasional military excursions. In a small group like the village not only are there daily residential contacts, often of a co-operative nature, but the members are united by close agnatic, cognatic, and affinal ties which can be expressed in reciprocal action. These become fewer and more distant the wider the group, and the cohesion of a political group is undoubtedly dependent on the number and strength of ties of a non-political kind.

It must also be stated that political actualities are confused and conflicting. They are confused because they are not always, even in a political context, in accord with political values, though they tend to conform to them, and because social ties of a different kind operate in the same field, sometimes strengthening them and sometimes running counter to them. They are conflicting because the values that determine them are, owing to the relativity of political structure, themselves in conflict. Consistency of political actualities can only be seen when the dynamism and relativity of political structure are understood and the relation of political structure to other social systems is taken into consideration.

554 family, many children, marriage alliances, wealth in cattle, prowess as a warrior, oratorical skill, character, and often ritual powers of some kind, all combine in producing an outstanding social personality who is regarded as head of a joint family and of a cluster of cognatic kinsmen and affines, as a leader in village and camp, and a person of importance in the rather vague social sphere we call a district. It is easy to see in village or camp who are its social leaders, and it is these people who have furnished the administration with most government chiefs, for the influence of the leopard-skin chief is mainly restricted to the circuit of his ritual functions and only if he is also a *gat twot* does he exercise influence beyond these limits.

554 When we ask, however, in what way a *tut* acts as a leader in his community it is difficult to answer. 596 As the chief man of his family and joint family he takes the most prominent part in settling the affairs of these groups, but he cannot on that account be said to have political authority, for these domestic groups act independently of others in the village, though some co-ordination between them is imposed by their common requirements. A joint family decide on the advice of their *tut* to change camp and the *tut* is supposed to drive in the first tethering peg in the new camp, if he is present, but other joint families of the 554 same camp may decide not to move till another day. Leadership 621 in a local community consists of an influential man deciding to do something and the people of other hamlets following suit at their convenience. When villagers co-operate, there is no appointed leader to organize their activity. If some members of a village are attacked the others rush to their assistance, headed by the swiftest and bravest, but there is no one who calls on them to do so or who organizes their resistance. A village is a political unit in a structural sense, but it has no political organization. There is no headman or other appointed leader invested with authority who symbolizes its unity and no village council. Beyond his domestic groups a *tut* has authority in his village only in the sense that he takes a prominent part in questions of procedure and other discussions. Outside his village he is a well-known person who is generally respected in his district, but he has no political status.

800 In larger groups than a village and camp there is far less

Gaagwong section. Nyang is shown as a short line at the side of Jok because, although the lineage which springs from him belongs to the group of lineages founded by Thiang, they live in the Gaagwang tribe together with a lineage descended from Jok, and the Gaagwang tribe is closely associated with the Gaajok tribe. The Nuer, outside certain ritual situations, evaluate clans and lineages in terms of their local relations. Herein lies the importance of these groups for this study. 613 614

IV

Nuer lineages are not corporate, localized, communities, though they are frequently associated with territorial units, and those members of a lineage who live in an area associated with it see themselves as a residential group, and the value, or concept, of lineage thus functions through the political system. Every Nuer village is associated with a lineage, and, though the members of it often constitute only a small proportion of the village population, the village community is identified with them in such a way that we may speak of it as an aggregate of persons clustered around an agnatic nucleus. The aggregate is linguistically identified with the nucleus by the common designation of the village community by the name of the lineage. It is only in reference to rules of exogamy, certain ritual activities, and to a very limited extent to responsibility for homicide, that one needs to regard lineages as completely autonomous groups. In social life generally they function within local communities, of all sizes from the village to the tribe, and as part of them. 613 621

A Nuer rarely talks about his lineage as distinct from his community, and in contrast to other lineages which form part of it, outside a ceremonial context. I have watched a Nuer who knew precisely what I wanted, trying on my behalf to discover from a stranger the name of his lineage. He often found great initial difficulty in making the man understand the information required of him, for Nuer think generally in terms of local divisions and of the relations between them, and an attempt to discover lineage affiliations apart from their community relations, and outside a ceremonial context, generally led to misunderstanding in the opening stages of an inquiry.

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621

I must here again refer to the term *cieng*, which has been a source of confusion in Nuer studies. A Nuer does not normally say that he is a man of such-and-such a *thok dwiel* (lineage) when he denotes his social position, but says that he is a man of a certain local community, *cieng*. Thus he says he is a man of *cieng* Mar, *cieng* Pual, *cieng* Leng, *cieng* Gaatbal, and so on (see diagram on p. 196)‡. What he is telling you is that he is a member of a group of people who live together in a village or district or tribal section. In ordinary situations of social life it is irrelevant whether he is, or is not, a member of the lineages from which these local communities derive their names. Moreover, since in ordinary speech a lineage-name has a local rather than a strict kinship connotation, those who share community life with the members of the lineage speak of themselves as though they also were members of it, because politically they are identified with it. Thus the word *cieng* is often used in an ambiguous sense which leaves lineage affiliation uncertain, since it is irrelevant, and it may, in consequence, be difficult, without much probing, to discover to what lineage a man belongs.

A *cieng*, in the sense of 'homestead', is called after the man who owns it, e.g. the homestead of Rainen is called '*cieng* Rainen'. When Rainen is dead and his sons and younger brothers and nephews live in his home they may call the hamlet after him, and it will be said that they are all members of *cieng* Rainen. If Rainen was an important man, and proves to have been the begetter of a strong line of descent, the whole village wherein live his agnatic heirs, and strangers who have intermarried with them or in other ways become attached to them, may thus become known as '*cieng Rainen*'. In course of time his descendants multiply and constitute the nucleus of a tribal section which is called '*cieng* Rainen'. Hence it has come about that many tribal sections are called after persons, e.g. *cieng* Minyaal, *cieng* Dumien, *cieng* Wangkac, &c. A lineage thus becomes identified in speech with the territory it occupies; the district occupied by the major lineage of WANGKAC, for example, being known as *cieng* Wangkac. A Nuer then talks about the local community and the lineage which is its political nucleus as interchangeable terms. He even speaks of *cieng* WANGKAC when he means the WANGKAC lineage. This habit confuses a European, since the WANGKAC lineage and the people who live in the Wangkac section are by no means the same.

If you ask a Lou man what is his *cieng* you are asking him where he lives, what is his village, or district. Suppose that he replies that his *cieng* is *cieng* Pual. You can then ask him what his *cieng* forms part of, and he will tell you that it is a part of *cieng* Leng.

‡ [See cat. 11b, —Analyst]

giving the name of a tertiary tribal section. If you continue to interrogate him he will inform you that *cieng* Leng is part of *cieng* 613
Gaatbal, a secondary tribal section, and that *cieng* Gaatbal is a 621
division of the Gun primary section of the Lou tribe. But he has told you nothing about his clan affiliation. He may or may not be a member of the FUAL lineage, which forms part of the LENG lineage, which forms part of the GAATBAL lineage, which is part of the clan of JINACA or GAATGANNACA, the people of Nac or the children of the children of Nac. In the same way, if a Jikany man tells you that he belongs to *cieng* Kwith of the Gaajok it does not follow that he is descended from Kwe (Kwith) who is descended from Jok the founder of the GAAJOK lineage of the GAATGANKIIR clan, the children of the children of Kir. He may merely mean that he lives in a tribal section occupied by the KWITH lineage of this clan. But these men will not tell you that they are not members of the dominant lineages in these sections, and will allow you to assume that they are, for in community relations there is a degree of linguistic assimilation of all residents other than members of the dominant lineage to that lineage, and people do not wish the fact that they are strangers in the tribal area to be publicly stressed, especially if they are of Dinka origin.

The assimilation of community ties to lineage structure, the expression of territorial affiliation in a lineage idiom, and the expression of lineage affiliation in terms of territorial attachments, is what makes the lineage system so significant for a study of political organisation.

V

In emphasizing the relations between lineages and local com- 613
munities we speak mainly of those lineages which are segments 619
of the dominant clans in the different tribes. It is these which have the greater political importance. We speak of them more fully in later sections. Here we give a preliminary account of how they are associated with tribal segments and how they act in those segments as a framework of the political structure.

The two diagrams which follow show the main lineages of the dominant clans among the Lou and Eastern Jikany tribes and the larger tribal sections in which they are dominant. The lines of descent are traced only as far as is necessary to illustrate the argument which follows. They may be compared with the trees

769 are buried quickly and crudely in unvisited and unremembered tombs; only in very rare cases are sacrifices offered to them; and there are no sacred places associated with them.

[181] Thus Nuer have always felt themselves free to wander as they pleased, and if a man is unhappy, his family sick, his herds de-
613 clining, his garden exhausted, his relations with some of his
593 neighbours uncongenial, or merely if he is restless, he moves to a different part of the country and resides with some kinsmen.
607 It is seldom that a man goes alone, for brothers are a corporate
601 group and, especially if they are sons of one mother, stick together. So, frequently as a result of quarrels, a group of brothers will often leave a village and settle elsewhere. Nuer say that they usually make for the home of a married sister, where they are certain to be well received. Here they are respected as *jiciengthu*, in-laws, and their children accepted as *gaat nar*, children of the mother's brother, while the people they join are to them *cieng conyimar*, the people of my sister's husband, and *gaat nyal*, children of a female agnate, and *gaat waca*, children of the father's sister. A man who changes his residence thus becomes a member of a different community and enters into intimate relations with the dominant lineage of that community. When a GAATIER man said to me, 'Now that I have come to *settle in Cieng Kwoth I am a man of Cieng Kwoth*', *he meant* that outside ceremonial situations he identified himself with the KWOTH lineage rather than with his own.

613 Even one man is a potential lineage and several brothers even more so. A minimal, and then a minor, lineage comes into being
● 621 which has only ritual status towards the other lineages of its clan, whereas with the people in whose village and district its members have grown up it has a mutuality of interests and a community of experience. The group thus develops into a distinct lineage. It intermarries with the other people of its home and very often it intermarries so frequently with the dominant lineage of the district that further marriage between them becomes impossible without breaking incest regulations. In this way lineages twine around one another and a texture of cognatic relationships unites all members of the community. Only a few such lineages establish themselves and survive as lineages. Many either die out or lose much of their individuality

613 621 and become attached to larger and stronger lineages by processes which we will explain later.

613 621 614 [582] Nevertheless, a Nuer lineage never entirely merges into another clan. There are always certain ritual observances which cannot be shared. If intermarriage creates community ties between two lineages, it likewise keeps them distinct, since one may only marry those who are not of one's agnatic group, and even if two lineages intermarry to such an extent that cognatic relationship is a bar to further marriage between them, then each may marry into collateral lineages of the other's clan and children of their daughters. If a mythological link forges a closer union between them it is also a record of their different lines of descent, explaining, indeed, how people of divergent descent are living together amicably. Thus a lineage, however far removed from its homeland and however widely separated from its kinsfolk, never becomes entirely absorbed or loses its ritual heritage. A lineage can only merge with a collateral lineage of the same clan.

But though lineages maintain their autonomy, the lineage value only operates in the restricted field of ceremonial and is, therefore, only occasionally a determinant of behaviour. Community values are those which constantly direct behaviour, and these operate in a different set of social situations to lineage values. *While lineage values control ceremonial relations between* groups of agnates, community values control political relations between groups of people living in separate villages, tribal sections, and tribes. The two kinds of value control distinct planes of social life.

It is, as we explain in the following sections, only the close association between a tribe and its dominant clan, and lineages in one way or another related to this dominant clan, that makes the agnatic principle in lineage structure politically important, for these lineages function as values in the political system which gives them corporate substance.

VI

614 619 In spite of so much dispersion and admixture of clans there is in every tribe a definite relation between its political structure and the clan system, for in each tribe a clan, or a maximal lineage

619 565 554 At a cursory glance, I gathered that conditions were elsewhere the same in western Nuerland, except, perhaps, among the Jikany where the status of *diel* may be more enhanced. Among the Eastern Jikany one finds the greatest insistence on social differentiation and legal privilege. The category of *diel* tends to be more stressed in the larger tribes than in the smaller, and when its structural function has been examined it will be understood why this is so.

613 ● 621 563 565 In a Nuer village or cattle camp there are seldom more than a few families of *diel*. Most people are either *rul*, Nuer of other clans, or *jaang*, persons of Dinka descent who have not been adopted into Nuer lineages. A *rul* is a Nuer who in a certain tribe is not a *dil*, though he may be a *dil* in another tribe. I have already described how lineages split off from their localized kinship groups, wander, join persons of other clans, and become members of a new community. This process was well described to me by a man of the Dok tribe. Members of a lineage beget children and they become numerous and spread over the countryside, wandering here, there, and everywhere. Then their close relationship ends and they go to live in the midst of other clans who are distantly related to them. Here they dwell as friends and slowly forge new cognatic relationships by intermarriage. Hence lineages are much mixed in all local communities.

613 565 554 Also Nuer say that no *dil* dwells in a social milieu composed entirely of fellow aristocrats, for lineages of *diel* split up and segments seek autonomy by becoming the nuclei of new social agglomerations in which they are the aristocratic element. Thus lineages of *diel* split up not only on account of internal dissension, but because a man of personality likes to found his independent settlement where he will be an important person rather than remain a younger brother in a group of influential elder relatives. I was told that this process by which any man, especially a *dil*, could become a local leader is felt to be ingrained in their social system and is a reason why they object to the creation by the Government of a few local 'chiefs' whose position tends to become formalized, permanent, and hereditary. To them this is a rigid interpretation of status, based on territorial rather than personal qualifications, which stabilizes the superiority of a single man or lineage. Every man of standing feels that

628 681 563 case in questions of homicide, since the social situation was composed of the structural relations of the slayer and his kin to the dead man and to other people concerned in the dispute. In our opinion the uncertainty and contradiction which was often evident in the statements of Nuer about assessments of blood-cattle is to be accounted for by relativity of status, it being relative always to the structural distance between persons, and therefore not rigidly definable.

628 681 • 621 Likewise *rul* is a very plastic concept. If a Leek man goes to Gaajak country to steal cattle and is killed no compensation would be paid for the homicide. A Leek man travelling through Gaajak country without intent to cause loss to its owners would not wantonly be slain. If the man were visiting kinsmen or affines and was killed in a quarrel, his hosts would consider that they were under an obligation to avenge him, though, perhaps, not under a very strong obligation. But a Leek man who has built his homestead in Gaajak country and has married into the village where he resides is a member of that community. If another member of his village kills him, it may be held that he is a *rul* and therefore his death may be paid for with fewer cattle than that of an aristocrat. But if a member of another village kills him, his community are not likely to accept this definition of status, because one does not differentiate between members of one's community on grounds of descent in its relation with other political segments. In political relations community ties are always dominant and determine behaviour.

VIII

597 563 619 We have observed that within a tribe there are three categories of persons: *diel*, *rul*, and *jaang*. The *diel* are an aristocratic clan, numerically swamped in the tribe by strangers and Dinka, but providing a lineage structure on which the tribal organisation is built up. The problem is how strangers and Dinka are attached to the dominant clan in such a way that the clan becomes, through the relations of other members of the tribe to it, the framework of the political system. As Nuer reckon all social ties in a kinship idiom it is clear that only the recognition of mutual bonds of kinship could lead to this result. Such recognition is accorded in several ways. We will start by

563

the kinship system has admitted them into its political structure 609
on a basis of equality.

IX

A large number of Dinka who were not captured as children 563
are not adopted into Nuer lineages, and Nuer strangers cannot 609
be adopted into lineages of the dominant clan or into any other
Nuer lineages. Nevertheless, members of all local communities, 602
whilst they see themselves as distinct segments in relation to other local segments, express their relations to one another in terms of kinship. This is brought about by intermarriage.

We mention the rules of exogamy as briefly as possible and 563
only in so far as they have a direct bearing on the political 609
system. Nuer generally marry within their tribe, though they
sometimes marry women of other tribes, especially if they live 582
near the border. Sometimes, also, a man marries in one tribe and then, taking his wife and family with him, goes to live in another tribe. In recent times there have been occasional marriages with the Ngok, and possibly with other Dinka tribes. There are no exogamous rules based on locality. They are determined by lineage and kinship values. A man may not marry into his clan and, *a fortiori*, into his lineage. In most clans a man may marry into his mother's clan, but not into her maximal lineage, though this rule is less exact. A man may not marry any woman to whom he is in any way closely related. A Dinka adopted into a lineage may not marry into that lineage, but may marry into collateral lineages of the same clan.

The rules of exogamy have been cursorily described. Never- 582
theless we consider them important, for the values which chiefly 602
regulate behaviour between one person and another in Nuer
society are kinship values. Nuer rules of exogamy break down 621 ●
the exclusiveness of agnatic groups by compelling their members to marry outside them, and thereby to create new kinship ties. As the rules also forbid marriage between near cognates, a small local community like a village rapidly becomes a network of kinship ties and its members are compelled to find mates outside it. Any stranger who enters the village, if he is not already related to most of its members, rapidly enters into affinal relations with them and his children become their kinsmen. Consequently the population of a Nuer village or cattle camp

582 602 • 621 can be placed on a single genealogical chart showing lines of descent and affinity, and, since affinity is fundamentally a relationship through kinship, we may say that all members of a village or camp are united by kinship ties and, therefore, are generally unable to marry into it. Consequently they are forced to take spouses from neighbouring villages of their district. Normally a man marries a girl who lives within visiting distance of his village. Hence a network of kinship ties stretches over a district and links in diverse ways the members of distinct political groups.

Looked at from the angle of a single village the circle of close kinship relations is limited to a small radius, and they tend to become fewer and more distant the nearer its periphery is approached. But the circumference of one such circle is intersected by other circles, so that there is no limit to the extension of a continuous series of kinship links. Exogamous rules, therefore, prevent the formation of autonomous agnatic groups and create extensive kinship ties within, and beyond, the tribal structure. Thus the kinship system bridges the gaps in political structure by a chain of links which unite members of opposed segments. They are like elastic bands which enable the political segments to fall apart and be in opposition and yet keep them together. This relation between kinship and political structure poses a set of complex problems. Here we wish to demonstrate only one point: the way in which dominant lineages serve as a political framework by the accretion of other lineages to them within local communities.

613 621 We have seen how every local community is associated with a lineage and that the members of this lineage who live in the community are numerically swamped by members of other lineages. We have also seen how all members of the community are in some way or other related by kinship. What gives a pattern to this complicated criss-crossing of cognatic threads is their relation to the dominant lineage of the community.

The Nuer have a category of *gaat nyiet*, children of girls, which includes all persons who are in the relationship of sister's son and daughter's son to a lineage. As a whole lineage can be spoken of as *gaat nyiet* to another if there is one such female link between them anywhere in the lines of their descent,

and as there must be such a link if they live in the same com- 613
munity, owing to the rules of exogamy, it follows that people 621
who live together are all *gaat nyiet* to one another. However, it
is in relation to the dominant lineage of a community that the
concept is mainly employed and is politically important. When
people are not members of this lineage it is stressed that they
are *gaat nyiet* to it. Nuer of other clans can never more closely
identify themselves with the dominant lineage, because, for
ritual reasons, they must remain autonomous units, but
politically they accrete themselves to it through this kinship
category. Moreover, outside ritual situations, being *gaat nyiet*
to a dominant lineage gives people complete equality with it,
and their accretion to it is often expressed in terms of lineage
structure, so that a man will often give his ascent to the woman
of the dominant lineage who bore one of his ancestors, and thus
graft himself, through her, on to their tree of descent; though
this is more usually done by Dinka than by Nuer. It is, how-
ever, the common practice for children of strangers who have
been brought up at the home of their maternal kinsmen, who
are aristocrats, to regard themselves as members of their
mother's lineage, except in ceremonial situations, and to
consider its members, rather than their father's lineage, as their
true kinsmen.

Dinka who have not been adopted commonly trace their 613
ascent to a female Nuer forebear and through her they graft 621
themselves into a Nuer lineage and are accepted as members of 609
it in ordinary social relations. Thus a Dinka often gives his
ascent to the dominant lineage of his community through a
woman, and sometimes through two or three female links, and
though this is generally evident from female prefixes it cannot
always be known. These Dinka individuals incorporate them-
selves into the structure of a Nuer lineage through their mothers,
since they have no lineage structure of their own. This is [611]
different from the stressing of a female link (*gaat nyiet*) which
unites a group of Nuer strangers or of Dinka to the dominant
lineage of their tribal section and also from matrilineal modes of [591]
reckoning descent due to matrilocal conditions of residence, which
may be temporary.

Owing to exogamous rules lineages are thus linked by 613
621

613 innumerable cognatic ties, so that however many lineages there
621 may be in a local community their members are all related to
one another by some kind of cognation and affinity. A lineage remains an exclusive agnatic group only in ritual situations. In other situations it is merged in the community, and cognation (*mar*) takes the place of lineage agnation (*buth*) as the value through which people living together express their relations to one another. The agnatic structure of the dominant lineage is not stressed in ordinary social relations, but only on a political plane where relations between territorial segments are concerned, for the assimilation of territorial segments to segments of the dominant lineage means that the interrelations of the one are expressed in terms of the other.

In every small tribal segment there is a lineage of the dominant clan of the tribe associated with it, and the members of the segment are joined to this lineage by adoption, cognatic kinship, or kinship fictions, in such a way that one may speak of them as an accretion around a lineage nucleus. As these different nuclei are lineages of the same clan, or, as we shall see in the next section, assimilated to it, the structure of the dominant clan is to the political system like the anatomical structure to the system of an organism.

X

000 We have seen how *Dinka* and strangers are linked to the
framework of the dominant clan by adoption and cognation and how these links form an embracing kinship system which provides the non-political texture of the political system. Kinship values are the strongest sentiments and norms in Nuer society and all social interrelations tend to be expressed in a kinship idiom. Adoption and the assimilation of cognatic to agnatic ties are two ways in which community relations are translated into kinship relations: in which living together forces
608 residential relations into a kinship pattern. A third way is by
609 mythological creation of kinship fictions, and this way is appro-
563 priate to relations between dominant lineages and stranger and
773 Dinka groups, living with them in the same tribal segments,
which are too large and occupy too distinct a territory for incorporation by either of the other two methods. It is the way

4

CHAPTER I

KINSHIP AND THE LOCAL COMMUNITY

I

621/114 In *The Nuer* I stated that the village is the smallest corporate
group of a political kind among the Nuer and that in reading my
description of their political structure the reader would have to
take for granted the network of kinship and affinal ties within a
village. I must now ask him to remember that, though I describe
in this book relationships between persons within local com-
munities without again describing the wider political structure,
the local communities within which these relationships function
and which they serve to maintain are the basic units of that struc-
ture. I must also make it plain that in *The Nuer* I was chiefly
interested in the relation of clan segmentation to tribal segmenta-
tion, and therefore in discussing lineages gave chief attention to
the systematic form their structure presents when co-ordinated
613 with tribal, or political, structure. To avoid misunderstanding it
621 is desirable to emphasize that in Nuerland there are also small
lineages which have fewer branches and less depth than the domi-
nant clans to which I gave particular attention in my book. These
less systematized descent groups may be associated with local
communities smaller than tribes and their larger segments, but
they are only associated with them in terms of the tribal structure
as a whole through some relationship to its dominant clan; and
sometimes they are not associated with local communities at all.

621 The Nuer village (*cieng*) is a corporate group with a feeling of solidarity. Though its members have contacts with persons in neighbouring villages, and even in other sections of their tribe and in adjacent tribes, the greater part of their activities are carried out within their own village community and their strongest ties are generally with other members of it. Nuer have great affection for their homes and, in spite of their wandering habits, men born and bred in a village are likely to return to it even if they live elsewhere for some years. Villagers fight side by side in defence and attack and they support one another in feuds. When their youths attend dances in the district they enter them

621 in a war line (*dep*) singing their special war chant, and they remain together during the dancing lest some incident should lead to fighting, for it sometimes happens that when the dancing parties of different villages duel their play passes into fighting. Villagers also have close economic relations and common economic interests which make a village a corporation owning its cultivations, water-supplies, fishing-pools, and grazing grounds; the ownership being spoken about in terms of the lineage with which the village is socially identified. There is, especially in the smaller villages, much co-operation in labour and much sharing of food. At the beginning of the drought the villagers may scatter to camp round different pools in the bush and some families, and even large aggregates of relatives, may spend the dry season with kinsmen of different villages, but the scattering is temporary. As a rule, families which live in the same village in the rains share the same cattle camp (*wec*) at the height of the drought.

Nevertheless, in spite of their many contacts with one another and of their concerted action in their relations with other villages, there may be rivalries between members of different parts of a single village. This is more noticeable in the larger villages, where groups of kin occupy distinct sections of the village site and have a feeling of exclusiveness towards each other. '*Wa pekda*', 'I go to my end (of the village)', often indicates, besides direction, a sectional loyalty.

361 Nuer villages, called after the names of their sites, vary in size and form, both of which depend largely on local conditions. Some are small communities of not more than a few families living on riverside mounds, accumulations of debris which have been dwelling places for long periods. They may be regarded as colonies attached to larger communities. Larger villages, of some hundreds of souls, are generally strung out along the backs of ridges, but where there is a wide stretch of high ground a village may be distributed in all directions over several miles of country.

Indeed, it is a characteristic of all Nuer villages, to which Jules Poncet alludes,* that they are spread out as freely as the nature of the ground permits in little groups of habitations, each separated generally from its neighbours by some fifty to several hundred paces. A group of this kind often consists of a single homestead, a cattle byre with its attendant hut or huts, the dwelling of a family.

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* Jules Poncet, *Le Fleuve Blanc*, 1863–4, p. 40.

000 inter-relations of collateral lineages because they do not here directly concern us.

III

621 Having made what preliminary explanations seemed to be
602 necessary, I record some examples of the network of kinship ties in typical Nuer villages and camps.

As I have said earlier, members of a village are all *mar*, kin, to one another: any villager can trace kinship to every other person in his village, either by a direct kinship tie or through a third person who is in different ways related both to himself and the other person. Furthermore, he can establish kinship of some kind—real, by analogy, mythological, or assumed—with everybody he comes into contact with during his lifetime and throughout the length and breadth of Nuerland; and this is necessary if he has frequent dealings with them, for all social obligation of a personal kind is defined in terms of kinship. But within his local community the links are definite and well known. All members of a village or cattle camp can be placed on a single genealogical chart showing relationship by blood, adoption, and marriage.

[101] The village of Konye is on a site on the left bank of the Pibor
361 and a few miles to the south of Akobo Post. It is on the periphery of Nuerland, on their present-day frontier with the Anuak, and has only recently been used by Nuer, of the Lou tribe, as a permanent wet-season settlement, though they have probably long camped on the site in seasons of severe drought. Nevertheless, the social cluster found in occupation of it in May 1935 is typical of small communities in every part of Nuerland. In that year the village consisted of eleven homesteads perched on a high mound some eighty paces in diameter with four attached homesteads lying between four hundred and six hundred paces to the south of the mound. On a rough estimate the population of the village and
124 attached homesteads was eighty to a hundred souls. I spent only a few days in the village and restricted my inquiries there to an effort to discover its genealogical pattern by ascertaining the kinship ties between the men who owned the fifteen cattle byres, that is to say, between the fifteen heads of families of the settlement. This might seem a simple task, but in Nuerland, where people do not co-operate in an inquiry of this kind, it is by no means so, and

the genealogy had to be pieced together by asking why each owner of a byre had come to live at Konye, a question answered by mentioning his relationship to someone already living in the village. There may be other ties of kinship or affinity between members of the different families which have not been recorded. There may also be more domestic unions other than the union of simple legal marriage than those shown on the chart. Irregular unions are not easily unearthed in a rapid survey which is not directed to that end. The genealogical table, which includes the owners of the outlying homesteads, is not a complete record of all the persons living at Konye. 124

The chief man of the village is Rue-Wor (homestead 8) and his son Deng-Rue (homestead 11) is the chief man of the outlying hamlet. The community is grouped round Rue, who, although he belongs to the Gaawar clan and therefore counts as a stranger (*rul*) and not as an aristocrat (*dil*) in the Lou tribal territory where he resides, is the *tut*, the 'bull', as Nuer say, of this community. A man holding this social position is also sometimes referred to as *ruei wec*, an expression which appears to mean 'spittle of the camp (community)'. There are several Lou tribal aristocrats in the village, but they have only a lineage, and no special personal status in it. Kinsmen of the villagers from the interior of Lou country spend the dry season in the village. 621

I direct attention to some features of the genealogy which are typical of many small Nuer communities. The Konye community is not in itself in any sense a lineage group, though it is attached politically to one of the dominant Jinaca lineages of the Lou tribe. Its nucleus is the family of Rue-Wor, the 'bull' of the village, and linked to it, some in one way and some in another, are a group of kin related to Rue and to each other. Any relationship of a man with any other member of the community serves to attach him to it and to give him status in it, for any tie to a particular person gives him further ties with all its other members. The tie may be of different categories and of varying degrees of kinship. Within the complex of village kinship ties and the circuit of daily contacts all relationships are given equal weight, for what is significant is less the category or degree of kinship than the fact of living together in a small and highly corporate community. 621 602 601

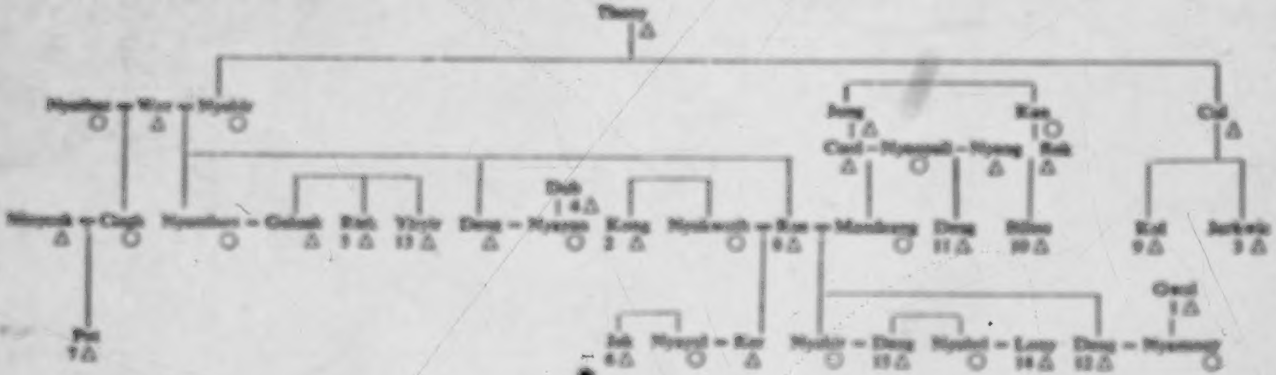
It will be noted that a considerable proportion of the owners of byres in the villages are living there because of affinal relationships.

§ (Cf. [illegible] p. (10) -- [illegible])

2:Evans-Pritchard E-5 (1931,1936) 1951

FJ22 Nuer FJ22

KINSHIP AND THE LOCAL COMMUNITY



= Marriage.

— Concubinage.

△ Male.

○ Female.

KONYE VILLAGE

(10)

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601 and I must here say again that although *mar* is properly kinship traced through father or mother, long-standing affinal relationships count in Nuer eyes as being equal to kinship, being a kind of kinship through the children of marriage unions, especially when the affinal relatives live together, as so many of them do at Konye. As a Nuer at another village, Kurmayom on the Sobat river, put it: 'Well, you have seen my home and the people who live here; are they not the husbands of my sisters? Well, all our cattle are exhausted from giving them to our brothers-in-law. They are our people and form part of our community (*cieng*) Nyabor. Their children are known by the names of their mothers while they remain in our village. If they go to the homes of their fathers they will be known by the names of their fathers'. Affines may therefore be regarded in a general social sense as *mar* and we may speak of Konye community as a cluster of kin.

[101] My second example is the village of Nyueny in the Leek tribal territory of western Nuerland. I spent five weeks there in 1936. The village is spread along the arc of a sandy ridge for about a mile and a half. It comprises three hamlets, Nyueny, Dakyil, and Kamthiang, and about a mile to the north of it lies the hamlet of Dhorpan, the occupants of which used to form part of the main village. In 1936 the population of Nyueny was reckoned to be about 130 souls, distributed in twenty-six homesteads. As I had already recorded the genealogical pattern of other Nuer villages and camps I did not aim at drawing up a complete genealogy for Nyueny, but rather at a survey of domestic unions. Consequently the kinship links between the owners of four homesteads (numbers 1, 5, 22, and 26) and other persons in the village cannot be stated. This merely means that the relationship did not emerge from an inquiry conducted to other ends than their discovery, for links of some kind may confidently be assumed to exist. It should also be pointed out that there are other connexions between some of the persons whose names are shown on the chart which are not indicated there, though they are recorded elsewhere,* and there may be others unknown to me. Only persons significant for the present discussion are tabled, and I have simplified the presentation by treating ghost-marriages as though they were simple legal marriages.

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* 'Some Aspects of Marriage and the Family among the Nuer', *Rhodes-Livingstone Paper* No. 11, 1945, pp. 28 ff.
{(In, ed. cit., p. (13) -- [illegible])}

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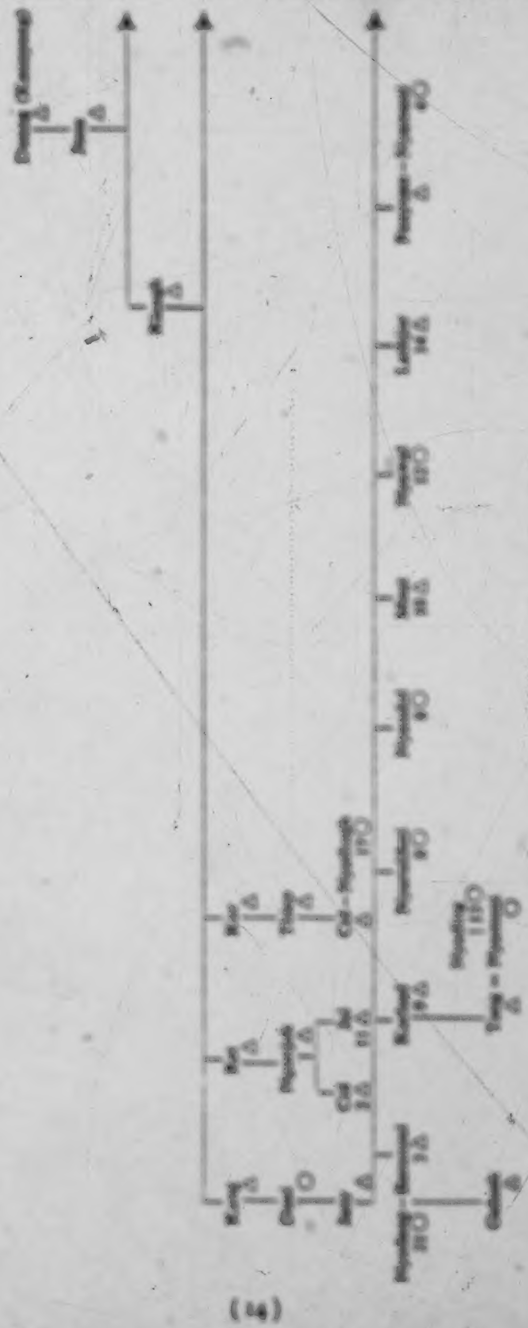

NYUENY VILLAGE

2:Evans-Pritchard E-5 (1931, 1936) 1951
FJ22 Nuer FJ22

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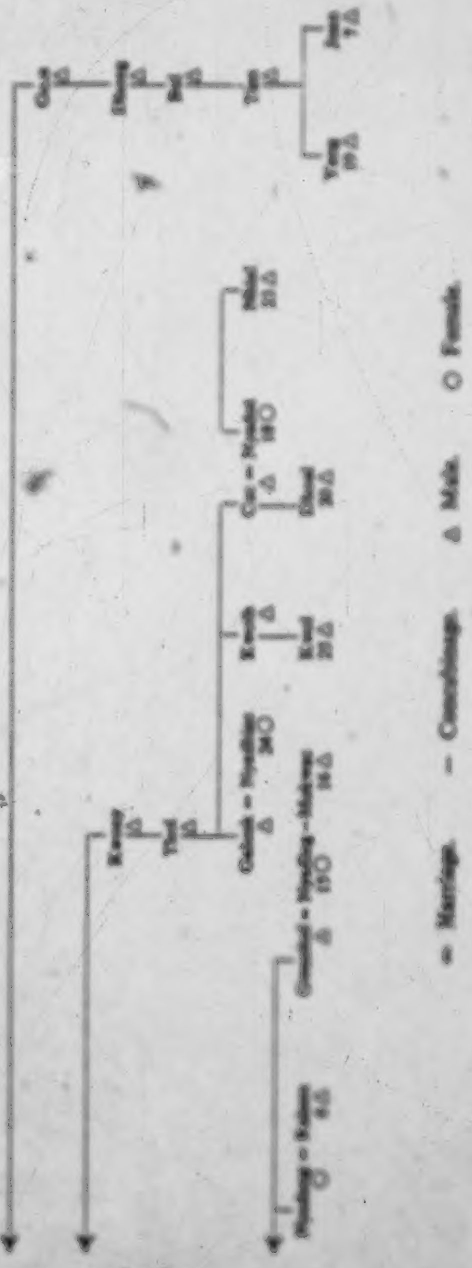
KINSHIP AND THE LOCAL COMMUNITY


Kwany
Thel
Gatoah = Nyadhier
24○
Kwoth
Kwal
27△
Dhoal
20△
Nhial
23△
Yang
19△
= Marriage.
– Concubinage.
△ Male.
○ Female.

KINSHIP AND THE LOCAL COMMUNITY

621 The village site belongs to the Riaagh lineage of the Keunyang
613 maximal lineage of the Gaatbol clan, the dominant clan in Leek
614 tribal area of which Karlual area, where Nyueny is situated, is a
602 section. Members of that lineage with their wives and concubines
and their affines account for ten out of the twenty-six homesteads. The people of Nyueny hamlet, the central and northern parts of the village, are known as 'the children of Jany', and Jany's descendants with their wives and concubines and affines account for another ten homesteads. 'The children of Jany', whose *tut* is Karlual (homestead 9), count collectively as *gaatwac*, children of the paternal aunt, or, as Nuer often put it, *gaatnyiet*, children of daughters, to the Riaagh lineage, whom they call *gaatnar*, children of the maternal uncle. The senior Riaagh men are the 'bulls' of the village in the tribal sense of the word *tut*.

621 It will again be observed that the village is not an exclusive
602 lineage group (with its wives) but is a cluster of kin (including
affines). In this case, however, there is a lineage core to the village community, and this core is that branch of the dominant clan of the tribe which owns the village site. Some members of its collateral minimal lineage, the Gom, also live in the village. I drew attention to further typical features. We saw that at Konye many of the heads of families were living there because of affinal relationships with other members of the village. The counterpart to this is the relationship of sister's son to mother's brother, for when the children of a resident sister or daughter grow up in a village those who stand in an affinal relationship to their father stand in an avuncular relationship to them. This is a very significant feature of Nuer local communities and from it follows another common feature: in course of time a maternal link of this kind may be treated as though it were a paternal link and therefore within the genealogical structure of the principal lineage of the community. Jany's mother Duai is so treated. Nuer say of a woman who has this structural position that 'she has become a man'. Cognation becomes regarded for ordinary social purposes
[641] within community life as equal to agnation. A sister's son-mother's brother relationship may come about in a village not by a man going to live with his wife's people but by widows bringing their children to live with their own people after their husbands have died, a mode of residence which in certain circumstances may continue after the deaths of the mothers. This

[illegible]

is illustrated at Nyueny by the daughters of Jany. The widows 621
may take lovers in the village, or they may take them from a 602
different village and their lovers come to live with them. This
custom is another feature of interest, for some ties between
members of a village may be through widow-concubines, or even
through unmarried concubines. Any such ties are mar, kinship.

Allowing for the fact I have mentioned, that when people live 621
together as members of the same small local community female 602
links are often given equivalence to male links in a genealogy, 613
a cluster of kin such as that of Nyueny can be presented as descended from a common ancestor. It might be described as a cognatic lineage, but in speaking of the Nuer I think it wise to restrict the term 'lineage' to a group of agnates within a system of such groups and to speak of a cluster like that of Nyueny as being a lineage to which are attached, on account of common residence, other lines of kin through females. For if an attached family or extended family of this kind were to leave the common residence the link which binds them to the lineage would cease to be significant for them and would lose its importance in favour of some new link more appropriate to their new attachment, whatever that might be, in their new village. Within a cluster of this kind relations between persons are regulated by the values of the kinship system. Seen as a unit from the outside, and in its corporate relations with other village communities, lineage values are dominant.

I now examine the kinship texture of a cattle camp at which I
resided for close on three months in 1931. Yakwac is a small [101]
mound on the left bank of the Sobat. Like Nyueny, it is on the 361
periphery of Nuerland where the Lou tribe faces the small Balak Dinka people who at one time occupied both banks of the river. I should explain that it was necessity rather than choice which led me to spend a large part of my time among the Lou Nuer at peripheral points. As I had no land transport and the Lou could not be induced to act as porters I had to rely on transport by canoe, and the larger rivers are in many places the tribal frontiers.

Yakwac village consists—I speak of 1931—of only three byres
and a few attached huts. The chief man of the village is Cam- 621
Caran, who owns one of the byres, the other two being owned by 602
Bichan, his brother, and Kirkir, a kinsman of his mother. The real
'bull' of the village is, however, Cam's brother, Nyagen, and the

[cf. op. cit., p. (16) -- [illegible]]

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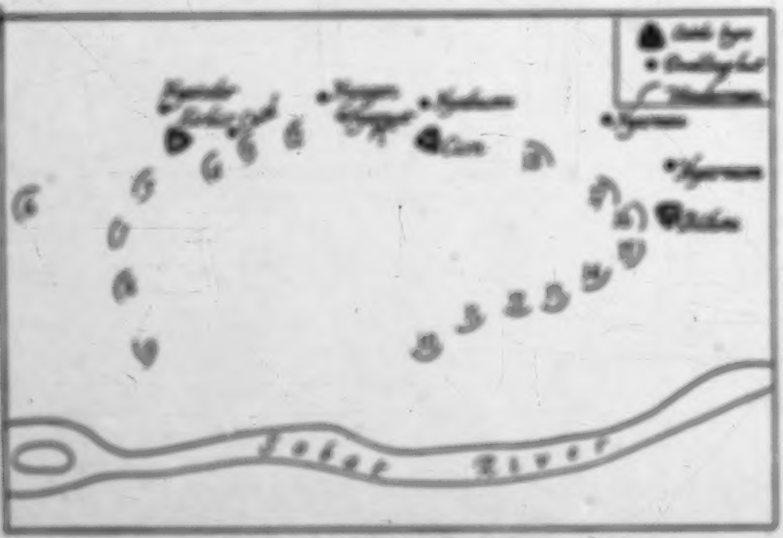
621 village is often spoken of as *cieng* Nyagen. She has what amounts
622 to the honorary status of a man, not only on account of her age
and kinship status, but also, and principally, because she is a Lou
[246] aristocrat and it is through her that Cam and his family link themselves on to the dominant lineage of the area in which they live, for Cam is a Jikany tribesman and, although an aristocrat in his own tribal territory, a stranger in the Lou country. He married his first wife to the name of his maternal uncle, Dar, with Dar's cattle, so that his eldest son and the other children born of this wife count as Dar's children and not as his own; and as Dar and Cam are of different clans and tribes, the distinction between pater and genitor is emphasized. His eldest son, Wia, belongs to the dominant clan of the Lou territory and he does not.

[261]



Sketch-map of Yakwac Cattle Camp

In many years Cam's maternal kinsmen, the minor lineage known as *cieng* Pual, the community (of the descendants) of Pual, come during the dry season to water and pasture their cattle and to fish and bathe at Yakwac from their inland village of Majok in the Nyerol district. This minor lineage has four branches—the minimal lineages of Diel, Malual, Kwoth, and Mar—members of all of which figure in the genealogy of the camp.

The entire population of Majok was not at Yakwac in 1931, for

The entire population of Majok was not at Yakwac in 1931 for

621 602 601 many of its members, including most of the womenfolk, had remained inland and some families spent the dry season at other camps on the Sobat. The women who came to Yakwac slept in the huts of the village, so no grass beehive huts were erected. The population of the camp was about eighty souls. I have again simplified the genealogy by showing ghost-marriages as simple legal marriages, but I have indicated, as I have not done in the other genealogies presented in this chapter, those members of the camp who are known to be Dinka or of Dinka descent. Those among them who are shown as members of the Pual lineage have been adopted into one of its branches. The names of only a few women and none of small children are given in the genealogical table, which is intended to demonstrate the kinship ties between the occupants of the windscreens, all of whom, with the exception of the mother of Cam, are males.

621 613 601 A study of the genealogy of Yakwac cattle camp reveals the features we have already noted as being significant in the genealogy of Nyueny. It is a lineage structure—the lineage being a branch of the dominant clan in the tribal area and that branch which is dominant in the district in which the camp was formed—to which are attached other lines through females, thus giving the genealogy a cognatic form, and affines. In order to graft themselves on to the tree of this dominant clan the linked families trace their descent through females at the points of graft as though these women had been men. It was a long time before I discovered, for example, that Kirkir's paternal grandfather was Buom and not Kol. A rather unusual example in which this process is strikingly illustrated is the line of ascent of Deng-Nyajal through females in three generations to the point of graft, Gai. Nyanhial and her daughter Nyajal were captured by the Anuak on a raid into Lou country and for many years lived in Anuakland, where Deng was begotten by an Anuak father. In the camp Deng was always referred to as Deng-Nyajal after his mother and not as Deng-Cul after his father, because Nyajal, and not Cul, is genealogically significant in Deng's social milieu. In the same way we referred always to Cuol as Cuol-Mer and not as Cuol-Rwac. In this cluster of kin at Yakwac camp the importance of affinal and maternal ties is evident.

613 601 587 I have indicated Dinka origins[1] where I have satisfactory evidence for them, partly to show the very considerable absorption

1[Cf. facing p. 19 (a)-(e) -- Analyst]

2:Evans-Pritchard E-5 (1931, 1936) 1951 FJ22 Nuer FJ22

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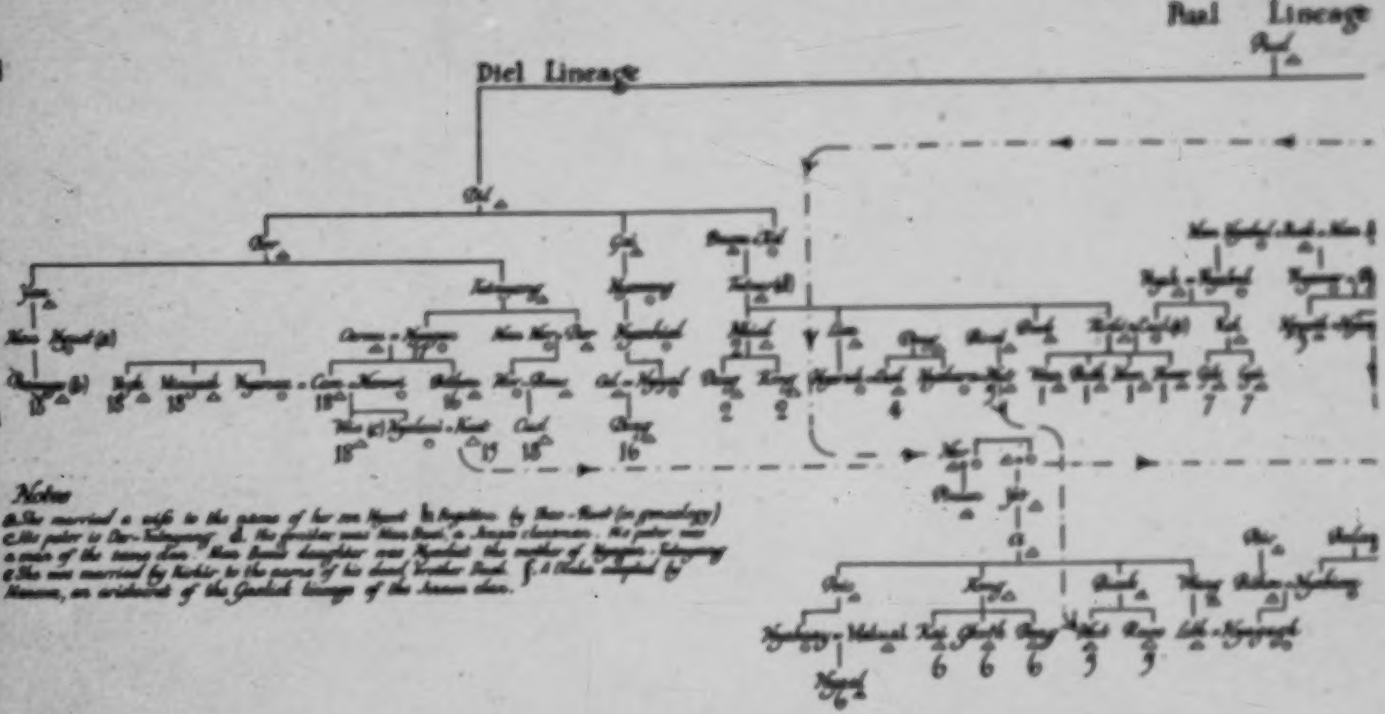
[facing p 17 (a)]


Rual Lineage
Rual
Diel Lineage
Diel
18
18
18
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6
6
6
3
3

Notes

a. She married a wife to the name of her son Nyuot. b. Begotten by [illegible] (in genealogy)
c. His pater is [illegible]. d. The genitor was [illegible], a [illegible] clansman. His pater was a man of the same clan. [illegible] daughter was [illegible] the mother of [illegible]
e. She was married by [illegible] to the name of his dead brother [illegible]. f. A Dinka adopted by [illegible], an aristocrat of the [illegible] lineage of the [illegible] clan.

[facing p. 19 (b)]

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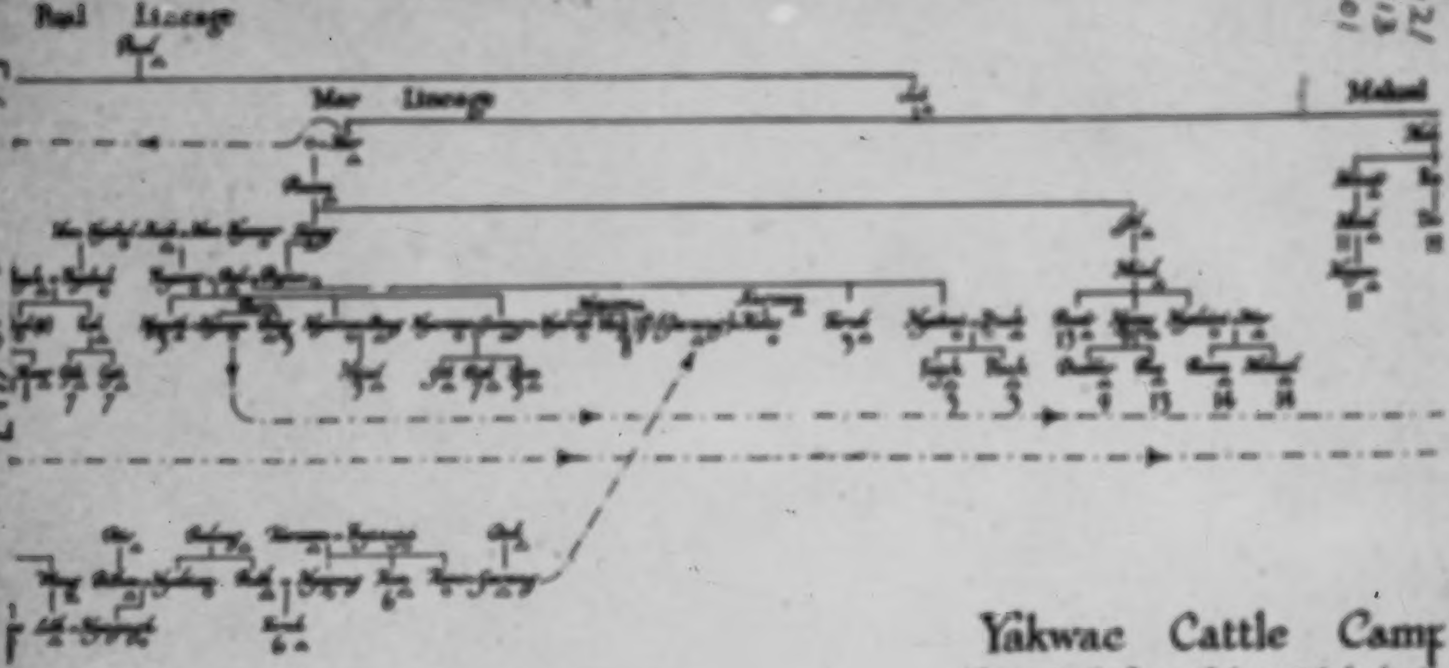
613
601



Rual Lineage
Mar Lineage

Yakwac Cattle Camp

Names within these lines are [illegible] or of [illegible] descent
△ Male ○ Female

2:Evans-Pritchard E-5 (1931, 1936) 1951
FJ22 Nuer FJ22

● 621
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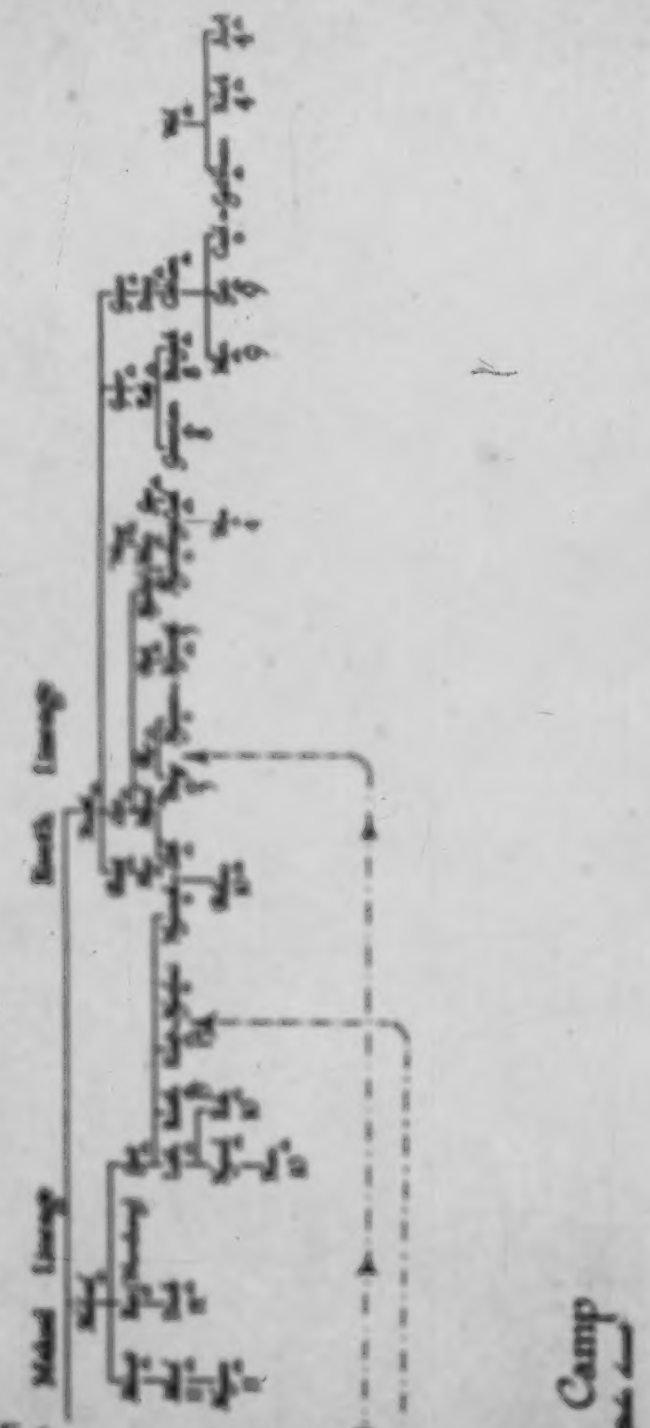
601


Lineage
Lineage
Camp

[facing p. 19 (c)]

613 601 597 of Dinka which has taken place, by adoption into Nuer lineages and through marriage, in a typical Nuer community, and partly to account for some marriages which might otherwise appear to be breaches of the Nuer rules of exogamy. These Dinka are of varied tribal origin. Among those whose names appear in the genealogy I have recorded Bor, Fadang, Luac, Thoc, and Dunjol origins. The absorption of so many Dinka has affected, through the practice of adoption, the rules regulating marriage, and it has also affected modes of residence, since a Dinka who has not been adopted into a Nuer lineage readily attaches himself to his wife's people or to the people who have married his sister or daughter, as do also his children to their maternal uncle's kin. The absorption of Dinka has led to a further complication in the already very complicated patterns of Nuer genealogies, for it sometimes happens that captured Dinka brothers or other kin are adopted into different lineages or even into different clans.

I would also draw attention to the different tribal origins of those Nuer in the genealogy who are not members of the dominant lineage, because they illustrate the movement of individuals and families which is so characteristic a feature of Nuer society: Yit was a Bul tribesman, he and Pinien being children of sisters or, as the Nuer say, a man and his *gatmanlende*, his mother's sister's son; Carau and Wan-Wang were Jikany tribesmen, Carau being an aristocrat of the Lony section of the Jikany, though begotten by an Anuak; Nhial-Deng is of Thiang tribal origin; Kurcam was a man of the Jimem clan, a clan which is found throughout Nuerland and without a tribal territory of its own; and so forth. Indeed, it is necessary to point out that not all outsiders attached to a lineage core remain attached to it. Nuer move about their country freely, and reside for some years with one lot of kin and then for some years with another.

621 613 The genealogy of Yakwac camp gives us a typical cross-section of a Nuer tribal society. We see how the local community is built up around a lineage through attachment to it of extra-lineage persons by the stressing of one or other category of kinship, and we thus see further the relation of the lineage structure to the kinship system within the framework of the tribal society. The collateral, and in a structural sense, opposed lineage to the Pual is the Ɖumien, who live near Pul Thul and Pul Nyerol in the same Nyerol district in which the Pual have their wet-season home and

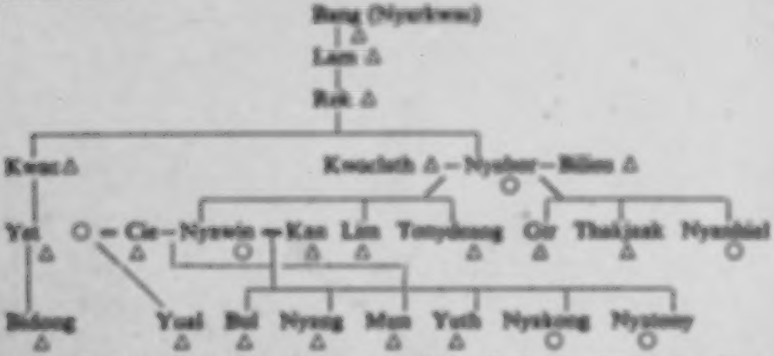
621 613 who, like them, often camp on the Sobat river in the drought. A genealogical analysis of the Dumien community would disclose the same kind of cluster as has been disclosed for the Pual community—a *thok dwiel*, lineage, to which are linked in many different ways through kinship values *rul*, strangers, and *jang*, Dinka, the whole forming a *cieng*, a local community who are kin. Pual and Dumien together form a single major lineage called Leng, the collateral to which is the Nyarkwac lineage whose home is adjacent to the home of the Leng. The Nyarkwac lineage in its community form consists of similar clusters composed of its branches and their accretions. Leng and Nyarkwac lineages form the Gaathal maximal lineage, occupying the northern part of the Lou tribal territory and one of the three maximal lineages of the Jinaca clan, which is the dominant clan of the Lou tribe.

621 602 601 My final illustration is included to draw special attention to natural, as contrasted with what we may call legal, ties of kinship in Nuer society. These are brought about by unions other than the union of simple legal marriage and are very numerous in Nuerland. I explain their nature in Chapter III. The recognition of natural ties in the Nuer system of kinship values as social ties, and not merely as natural relationships, further enhances the significance of women as persons through whom descent is traced for the purpose of establishing kinship with those with whom Nuer have relations in their community life.

[101] I quoted earlier in this chapter a remark made to me by a Nuer of Kurmayom, where I spent about three weeks in 1931. Kurmayom is a village of the Lou tribe to the west of Yakwac and, like it, on the Sobat river. It is near the border between the Lou tribe and the Ngok Dinka. The most prominent person in the village is a noted magician called Bul-Kan, and it is his family that I shall now briefly examine. He and the cluster of kin around him occupy eleven byres in the chief hamlet of the village. He is a member of a minimal lineage called (*cieng*) Nyabor after the name of his mother's mother. She was a woman of the Nyarkwac major lineage of the Jinaca clan who bore her children in unmarried concubinage to two men. The fathers legitimatized their children by payment of cattle. Lim, Nyawin, and Tonydeang thus became members of the Jidiet clan since their pater, called Kwaclath, was a man of this clan, and Gir, Thakjaak, and Nyanhial became members of the Jimem clan, their pater Bilieu being

621 602 601 a man of this clan. One of these children, the girl Nyawin, married Kan-Kwoth of the Kiek clan, to whom she bore Yuth, Nyakong, and Nyatony before he died. She continued to live in his home after his death and there took a lover, a man of the Ngok Dinka called Cie, to whom she bore Bul, Nyang, and Mun. These three sons count, of course, as children of Kan-Kwoth. The Dinka Cie then, at the behest of Nyawin and her sons, took a wife to himself with cattle of the herd of Kan-Kwoth and by her begat Yual. Yual was therefore not only a natural paternal half-brother of Bul, Nyang, and Mun but also their brother in a further sense, for he was *gat ghokien*, the child of their cattle. I was told that he had also been formally adopted by Bul into his lineage. Mun had died before 1931, and Bul and Nyang were already elderly men whose sons and daughters had homes and herds and children of their own.

[613]



It will be noted that, although Bul is called after his father Kan and is a member of the Kiek clan and his mother was a woman of the Jidiet clan, the lineage now call themselves *cieng* Nyabor and trace their ascent through Nyabor into the stem of the Nyarkwac branch of the dominant Jinaca clan, neglecting for ordinary social purposes the lines of descent of both Kan and Kwaclath. They attach themselves in this way to the lineage which owns the village site and with whom the tribal section in which it is situated is identified, its chief 'bull' in the village being Bidong-Yet, whose name I have therefore inserted in the table.

IV

621 602 The kinship relations of persons to one another in a Nuer community are, I think it will be agreed, very complex. Indeed they

621 602

are more complex than I have shown them to be so far, as will appear when the forms of domestic union obtaining among the Nuer are described. The complexity is partly due to these diverse forms of marriage, and also to the python-like assimilation by the Nuer of vast numbers of Dinka through adoption or intermarriage.

621 613

However, certain preliminary conclusions of a general kind can be drawn from the few genealogies—only a fraction of those collected—I have cited as examples. A Nuer community, whether small or big, is not composed exclusively of members of a single lineage and their wives or, correspondingly, not all members of a lineage live in the same community. On the other hand, in any large village or camp there is represented an agnatic lineage of one or other order and into the growth of this lineage are grafted, through the tracing of descent through females, branches which are regarded in certain situations and in a certain sense as part of it and in other situations and in a different sense as not part of it. Other lines and persons are grafted into the lineage by adoption, but this can only happen to Dinka and other foreigners, not to men of true Nuer origin. Attached to the lineage, directly or indirectly, are also a considerable number of affines of diverse kinds.

621 613 602

In their collective relations with other communities, and as seen collectively by the members of these communities, there is a fusion of the attached elements with the lineage. They are incorporated in it, and the resultant whole is spoken of as the *cieng* or *wec*, community, of the lineage, which is both its core and the symbol of its social identity as a unit in the tribal system. But within the community itself there are occasions when a formal distinction between the lineage and its incorporated elements has to be made and the status of its members has to be defined to the exclusion of the *rul*, strangers: the *gaatnyiet*, the children of daughters (of the lineage), and the affines.

In daily contacts between persons within the community their relations are expressed not in the language of lineage structure but in the language of the kinship system by reference to categories of kinship within that system. Thus men of the same minimal lineage have only an undifferentiated lineage relationship on such occasions as the lineage acts or is thought of as a group. Otherwise, and as persons, their relationship to one another is one of *gwanlen*,

621
613 father's brother, *gatgwanlen*, father's brother's son, *wac*, father's
602 sister, and so on.

613
602 Lineages are articulated as groups of agnatic kin at a different, usually ritual, level of the social life, and they are articulated as conglomerates, fused with other elements, at the political level. Kinship ties belong to another order of social relations, relations between persons and not between groups. The members of a lineage group are socially undifferentiated as such in the inter-lineage structure because it is a structural relationship between groups. In the kinship system they are socially differentiated by category and degree of relationship—this being an essential characteristic of the system—because the kinship system is a system of relationships between persons.

621
602 As we have seen, members of a Nuer community are all *mar*, kin (including affines in this term), to one another. Whoever is kith must also be kin. Common membership of a village or camp does not in itself provide a man with a secure basis for his personal relations with its other members. That is provided chiefly by the kinship system by which a kinship tie established with any person in the village or camp gives a man a kinship status of some kind with every other person in the village or camp—with all his neighbours. Consequently a local community consists of a great number of cross-strands which compose an intricate network of kinship ties.

The relationships which enter into any particular composition are not the same as those of another, and they change from year to year and from season to season inasmuch as Nuer frequently change their place of residence. Therefore a cluster of kin of this kind does not constitute a specific kinship group. When it is thought of by Nuer as a unit it is not as a kinship group but as a residential group by association with a lineage or site. Its members are *jicieng* so-and-so, the people of a community of a certain lineage, or *ji* such-and-such, the people of a certain place. To any member of the community the rest are '*jiciengda*', 'the people of my home'. '*Jimarida*', 'my kin', has quite a different connotation: it is a set of personal relationships to him and includes men and women who do not belong to the cluster at all.

597 The absorption of Dinka into these communities of kin on so
563 considerable a scale has been significant. As I have pointed out in
613 *The Nuer*, assimilation of conquered Dinka tribes and tribal sections has not, for various reasons, resulted in a class or caste, or in

597 any other rigid hierarchical structure. It has been brought about
563 by their incorporation into Nuer lineages by adoption and by
613 their assimilation to them through intermarriage. When Dinka are adopted into a lineage, absorption into Nuer society presents no great difficulty. Their Dinka origin is remembered by members of the lineage of their adoption, at any rate for some generations, but after one or two generations it may not be known to outsiders; and I suppose that in course of time it may be forgotten within the lineage itself. They are part of the lineage, have the same status as its other members, and are points of growth in the branch equal to men born into it. But when Dinka are not adopted into a Nuer lineage absorption is achieved with greater difficulty and by circuitous means. If we examine closely the history of those persons in the genealogies I have recorded who have attached themselves permanently to an affinal or maternal family and through it to a minimal lineage, and if we trace also the histories of those persons who through such an attachment in the past now trace their descent from the lineage through a female, we shall find that in a very great number, I venture to say in the vast majority, of cases they are Dinka. This is a development which it is easy to understand because captured Dinka or Dinka immigrants into Nuerland have lost their status in their own kinship and lineage systems, and if they are not adopted into Nuer lineages they can only acquire status in Nuer society through affinal relationships; and their children, having no kin on the father's side, identify themselves with the mother's kin and, having no lineage on the father's side, seek affiliation to the mother's lineage. It is true that
621 we find strangers of Nuer clans as members of clusters of kin
614 around a lineage core of the dominant clan of the tribe, but where the attachment is permanent these strangers are, in my experience, generally persons of those Nuer clans which have no tribal territory of their own—no *wec*, local community, as Nuer say—like the Jimem, Jikul, and Kiek clans. These clans have, moreover, in some cases mythological beginnings placing them outside the main family of Nuer clans and suggesting foreign origin. Assimilation in such cases can never be so complete as in the case of Dinka, because members of Nuer clans have their own clan symbols and their own *buth* relationships which attach them to the lineages of their birth.

000 Another factor which has certainly had some influence in

wife's family in view of the fact that the man who has married 591
their daughter has joined their community and is bringing up his
children as members of it. They may even give him some of their
own cattle to help him build up a herd. The second fact to be taken [603]
into consideration is the Nuer custom, for various reasons not
always observed, by which the eldest child of a marriage is
brought up by his, or her, maternal grandparents. A child
brought up in his maternal kinsmen's village naturally feels that
in some respects it, and not his paternal kinsmen's village, is his
home.

Cattle are a powerful element, often the deciding consideration, 591
especially in the minds of unadopted Dinka captives or immi- 233
grants, in a man's choice of residence. A Nuer cannot live for long
without cattle, and he who possesses none must attach himself to
the byre and herd of some kinsman. Men with only a few beasts
also sometimes find it a convenience to tether them in the byre of
a kinsman rather than build a byre of their own. One often finds
that the reason a man decides to live with one of his maternal kin,
with a paternal aunt, with one of his affinal kin, or with the family
of a widow-concubine, is that he knows that the person he intends
to reside with will allow him to be a member of the household,
will give shelter to his animals if he has any, and will help him to
start a herd if he lacks cattle entirely; whereas his paternal kins-
men are unable or unwilling to do so, or, in the case of many
Dinka, are altogether absent.

As a further conclusion, I remark again that the drawing 621
together by, and into, the lineage system of the many different
strands of kinship (and affinity) which compose the network of
social ties in each local community gives the community its
unitary character and fixes its position in tribal structure. The
points at which they are drawn together are the 'bulls' of the kin-
ship clusters, and especially the tribal 'bulls', those men who are
persons not only of age, wealth, and character, but also members
of the dominant clan of the tribe—tribal aristocrats. These tribal
'bulls' are the centres of clusters of kin, but they are also agnates,
and each has in relation to the others a structural position in the
lineage system of the dominant clan. Through them, therefore, all
the tribesmen are attached to the dominant clan of the tribe and
all the local communities are assimilated to the highly consistent
structure of its segments, in which they are conceptualized. It is

621 the ambition of every man, of the dominant clan especially, to become a 'bull' and the centre of a cluster of kin, and Nuer say that it is for this reason among others that families often break up and cousins and brothers part, each to seek to gather his own community around him.

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I suggest that it is the clear, consistent, and deeply rooted lineage structure of the Nuer which permits persons and families to move about and attach themselves so freely, for shorter or longer periods, to whatever community they choose by whatever cognatic or affinal tie they find it convenient to emphasize; and that it is on account of the firm values of the structure that this flux does not cause confusion or bring about social disintegration. It would seem it may be partly just because the agnatic principle is unchallenged in Nuer society that the tracing of descent through women is so prominent and matrilocality so prevalent. However much the actual configurations of kinship clusters may vary and change, the lineage structure is invariable and stable.

CHAPTER II

MARRIAGE PROHIBITIONS AND INCEST

I

621 602 We noticed in the last chapter that local clusters of kin comprise persons of different clans and of different tribal origins and that, moreover, they are not fixed compositions. Their members, individuals and families, move often and freely, going to stay, seasonally or for many years, with different kinsmen in other villages and camps, generally, though not always, in the same tribal area. Wherever they go they are easily incorporated into the new community through one or more kinship links. Apart from such moves, Nuer frequently visit all the villages in their neighbourhood, and in all of them they have kinsfolk. I have demonstrated the network of kinship ties in selected local communities, but we have to think of all the different strands of relationship in each community passing outside it and across the bush to link its members to those of other communities. I am not speaking here of lineage ties, but of ties of kinship or personal relationship. Consequently the different local communities of a whole tribe could be presented on a single genealogical chart. Given unlimited time and patience, the entire population of Nuerland could be so presented. There are no closed communities. Villages and camps are spatially separated, but they merge into one another socially through a multitude of cross-strands of kinship between persons as well as forming parts of a single political structure.

602 582 This wide acknowledgement of kinship might be expected to be found together, as it is, with a wide range of marriage prohibitions, which have the effect of spreading the marriages of members of any local group and creating innumerable links through women between persons in many different communities. In view of what we have already learnt about the place of maternal and affinal ties in kinship configurations, we shall also not be surprised to discover that relationships of both kinds are covered by marriage prohibitions outside the rules of clan exogamy.

582 It is these marriage prohibitions I now propose to examine. I discuss the subject of incest at the same time because, although the

835 brothers are not just 'bulls' to one another, members of the same lineage. They are maternal kinsmen as well as paternal kinsmen, and in their case sexual relations with each other's sweethearts seem to the Nuer to involve in some way the mother, an idea which is repugnant to them.

These interpretations may be unacceptable to the reader. If so, he can disregard them without rejecting the main conclusion from which they are inferred. It is clear that the marriage prohibitions indicate kinship status and are one of the most effective means of doing this and thereby maintaining the kinship system, which is based on the distinctions between the various categories of relationships. They prevent confusion between one relationship and another and the contradictions such confusion would cause between the patterns of behaviour in which the relationships are expressed. This conclusion is contained in the statements, some of them recorded in this chapter, of Nuer themselves, who see that it is undesirable to obliterate or obscure the boundaries between kinship categories. Were marriage with the wife's sister permitted, to the child of it the mother's sister would also be the father's wife; and were a man to marry the daughter of an age-mate, his age-mate would also be his father-in-law.

621/613 The bearing these regulations have on the kinship system will be seen in later chapters. I discussed their bearing on political structure and their relation to the lineage system in a few pages (pp. 225-8) in *The Nuer*. The argument there presented may be restated in a few sentences. Nuer political structure is a system of relations between territorial groups which express both their autonomy and their participation in the system in terms of lineage and clan affiliations. The local groups are organized into a common tribal structure through the association of clans with tribes, and the various lineages of these dominant clans in each tribe with the various sections and sub-sections of the tribe. Political structure is thus conceptualized in lineage structure. To play this part lineages must be both unique groups and at the same time must be identified with the local communities within which they function politically. Were they to lose entirely their uniqueness as descent groups the lineage structure in which the local communities see themselves as parts of a tribal organization would collapse. Were they not to merge in the network of kinship relations of which each local community is composed they would lack that cor-

permanence which identification with residential groups gives them, 621
and be an abstraction, since they are not corporate groups in their 613
own right. A man acts sometimes as a lineage member, cutting himself off from the community of which he is part, but in ordinary social life he acts as a member of this community without reference to his exclusive lineage affiliation. In some situations values of descent determine his conduct, but in most situations it is determined by kinship values or by those community values which are an expression on a political plane of a sentiment created by corporate life comprised within a network of personal relations of a kinship order. This separation of the lineage from community life and its merging into it again is very largely brought about by the rules of exogamy which exclude marriage within the clan, thus giving that group distinctness, while compelling its lineages, by marrying outside the clan, to become multiple links in the network of kinship relations the strands of which form the texture of community life. Every Nuer local community thus becomes a community of kin, every member of which regulates his behaviour to every other member in accordance with a variety of kinship patterns and can predict their behaviour to himself in conformity with the same norms.

When a local community becomes in this way a network of kinship ties it is necessary, so varied and extensive are the relationships which come under the ban on marriage, to marry outside it, so that not only is the social autonomy of lineage groups prevented by the rules regulating marriage but also the social autonomy of residential groups. Kinship ties thus cross the gaps in political structure and unite members of opposed segments of it. Every political group of whatever size has a wider social setting outside its boundaries.

There is a tendency therefore for local communities to be groups of people who, being all interrelated in one way or another, must marry into a different local community. This happens because the Nuer make any kind of cognatic relationship to several degrees a bar to marriage and, at least so it seems to me, it is a bar to marriage because of the fundamental agnatic principle running through Nuer society. In any Nuer residential group, of whatever size, there is, as we have seen, a great variety of personal ties of a kinship order bringing its members into a texture of relationships, but the warp of the texture is the agnatic lineage

621 613 and to it everyone attaches himself locally. If a man is not a member of the lineage with which he lives, he makes himself a member of it by treating a maternal link as though it was a paternal one or through affinal relationship. The lineage is thus in its corporate character a composite structure of cognatic branches and attachments in which the value of agnation is the integrating principle. The solidarity of a group of persons living together, and thereby the lineage structure which contains them, is maintained by emphasizing cognation in the rules of exogamy.

476 kin. The owner of the homestead does not supervise the work, and each does as much or as little as he chooses. Apart from co-operative parties of this kind Nuer, especially the women, prefer to perform their like, but several, duties in company where this is convenient, as when women collect wild fruits or draw water, boys herd the goats and sheep, and men fish with spears in pools, lagoons, and the shallows of streams.

602 A kinsman is also expected to help another who is in need by giving him what he is in need of if he is in a position to do so. Nuer say that 'among kinsmen of every kind there is no purchase' and that 'with us Nuer, it is all giving and begging'. Also, Nuer
574 eat so much in each other's byres and windscreens that, as far as the
621 men are concerned, there may be said to be to some extent commensalism among the members of nearby homesteads and even between the members of a small village. Nuer keep open house and, in their summer camps especially, men visit one another so regularly to drink milk together that an older man does not care to drink milk alone but sends a small boy to invite an age-mate to share his gourd with him. Nuer readily lend milch cows to families with small children and make gifts of millet and fish to those in need. When animals are sacrificed the meat is generally the right of a family, or of a family and their close kin, but neighbours often receive meat if they ask for it persistently enough, for it is not thought mean to refuse. On some occasions a beast belongs to whoever can seize meat from it, but on such occasions men of the same household assist one another, and as those taking part in the scrimmage are all kith and kin a sense of fairness prevails. In general it may be said that no one in a Nuer village starves unless all are starving. The food supply of a community is ultimately at the disposal of all its members within whose corporate life each family has security to pursue its particular interests and to satisfy its most elementary needs.

II

121 Though I did not study in detail relations within the Nuer family, I could not have avoided reaching some general conclusions about them, and I set these down here in so far as they relate to the kinship system and the life of the wider society, the values of which, reflected in modes of address, are assimilated to those obtaining within the family.

ECONOMIC LIFE OF THE NUER : CATTLE.

By E. E. Evans Pritchard.

II.

621 The chief characteristices of Nuer social life can be understood only when their pastoral activities are viewed in relation to the country in which they live. Social instutitions are to a large extent a function of this dynamic relationship between mode of livelihood and environment. I have said something about cattle and the esteem in which Nuer hold them. I will now say something about the country in which these cattle have to be maintained.

186 133 From the European's point of view Nuerland has no favourable qualities, unless its severity be counted such, for its endless marshes and wide savannah plains have an austere monotonous charm. It is throughout hard on man and beast, being for most of the year either a swamp or a parched and waterless tract. Trekking across the Nuer plains is a great weariness to body and spirit. But Nuer do not share this opinion. They think that they live in the finest country on earth, envying no people their heritage, and, it must be admitted, for herdsmen their country has many admirable features. It provides pasturage all the year round and absence of forest prevents the encroachment of tsetse. I have long since given up trying to convince Nuer that there is any country more suited for cattle husbandry than their own, an attempt more useless since a few Nuer have been taken to Khartoum, a place they consider to be the home of all white men. Having seen the desert scrub which surrounds Khartoum they are confirmed in their opinion that their own land is superior to ours.

134 The grasses upon which depends the welfare of the herds depend, for existence in their turn, on soil and water. The soils of Nuerland are heavy clays which look very much alike to me and which are equally unpleasant to walk on in the dry season, when they are broken by the sun into deep cracks, and in the wet season when they form

835 recorded in this essay.[1] Nor can I discuss at the length required
the political implications of Nuer exogamous rules. I have
devoted a few pages in *The Nuer*[2] to this aspect of them, the
argument of which may be presented here in a few sentences.
621 The Nuer political structure was treated in that book as a system
619 of relations between territorial groups which express both their
613 autonomy and their participation in the system in terms of
614 lineage and clan affiliations. The local groups are organized into a common tribal structure through the association of clans with tribes, and the various lineages of these dominant clans in each tribe with the various sections and sub-sections of the tribe. Political structure is conceptualized in lineage structure. To play this part lineages must be both unique groups and at the same time be identified with local communities within which they function politically. Were they to lose entirely their uniqueness as descent groups the lineage structure in which the local communities see themselves as parts of a tribal organization would collapse. Were they not to merge in the network of kinship relations of which each local community is composed they would lack that corporateness which identification with residential groups gives them and be an abstraction, since they are not corporate groups in their own right. A man acts sometimes as a lineage member, cutting himself off from the community of which he is part, but in ordinary social life he acts as a member of this community without reference to his exclusive lineage affiliation. In some situations values of descent determine his conduct but in most situations it is determined by kinship values or by those community values which are an expression on a political plane of a sentiment created by a network of personal relations within the kinship system. This separation of the lineage from community life and its merging into it again is very largely brought about by the rules of exogamy which exclude marriage within the clan, thus giving that group distinctness, while compelling its lineages, by marrying outside the clan, to become multiple links in the network of kinship relations the strands of which form the texture of community life. Every Nuer local community thus becomes a

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[1] Information on these subjects will be found in my papers: 'Nuer Bridewealth', *Africa*, xvi. 4 (1946); 'Nuer Marriage Ceremonies', ibid. xviii. 1 (1948); and *Some Aspects of Marriage and the Family among the Nuer*, Rhodes-Livingstone Paper No. 11 (1945).

[2] *The Nuer*, Oxford: Clarendon Press (1940), pp. 225-8.

community of kindred every member of which regulates his 621
behaviour to every other member in accordance with a variety 619
of kinship patterns and can predict their behaviour to himself 613
in conformity with the same norms. 614

When a local community becomes in this way a network of
kinship ties it is necessary, so varied and extensive are the re- 582
lationships which come under the exogamous ban, to marry 602
outside it, so that not only is the social autonomy of lineage 621
groups prevented by the rules regulating marriage but also the social autonomy of residential groups. Kinship ties thus cross the gaps in political structure and unite members of opposed segments of it. Every political group of whatever size has a wider social setting outside its boundaries.

Local communities become therefore groups of people who, being all interrelated in one way or another, must marry into a different local community. This happens because the Nuer make any kind of cognatic relationship to several degrees a bar to marriage and, at least so it seems to me, it is a bar to marriage because of the fundamental agnatic principle running through Nuer society. In any Nuer residential group, of whatever size, there is a great variety of personal ties of a kinship order bringing its members into a texture of relationships, but the warp of the texture is the agnatic lineage and to it everyone attaches himself locally. If a man is not a member of the lineage with which he lives he makes himself a member of it by, in one way or another, treating a maternal link as though it was a paternal one. The lineage is thus in its corporate character a composite structure of cognatic branches and attachments in which the value of agnation is the integrating principle. The solidarity of a group of persons living together, and thereby the lineage structure which contains them, is maintained by emphasizing cognation in the rules of exogamy.

E. E. EVANS-PRITCHARD

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8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

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el Jebel and the Bahr el Ghazal. The Leik and Bul tribes are nearly all on the left bank of the Bahr el Ghazal, although some of them move to grazing grounds across the river during the dry months of the year.

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All Nuer are compelled to migrate during the dry season and to set up their cattle-camps near permanent water supplies and where the receding waters of the rivers leave green and succulent grass for their animals. At first their cattle-camps are widely distributed over the 'intermediate' plains, but concentration increases as the season advances until, just before the break of the rains, in late January or February, all cattle are on the *toic*. The distances covered in these seasonal migrations vary considerably. Many of the Lak and Thiang Nuer, for example, move only a few miles from their permanent homes, while many of the Gaawar and Lou move eighty miles or more. These differences, however, have not affected the similarity of movements among the Nuer as a whole. The swing of the seasonal pendulum to and fro is common to all and the difference is one of distance only.

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The permanent settlements of the Nuer are not concentrated like those of the Shilluk, Anuak, and some of the Dinka. A Nuer village generally consists of a number of domestic units, each having one or more cattle-byres and a few dwelling-huts, separated by distances varying from a few hundred yards to over a mile. This diffusion of dwelling-sites is partially caused by the nature of the ground, for land which is above the level of the floods is limited in most areas of Nuerland. It is, however, an inherent characteristic of the Nuer to set up his abode sufficiently far from his neighbours to emphasize and retain his individualism, yet sufficiently near to enjoy the privileges and economic advantages which neighbourhood brings. Cultivations are usually opened up in the area immediately surrounding the homestead, both for convenience and for ease in protecting crops against the ravages of wild animals and straying cattle. Fencing is impossible except in woodland areas, and is in any case a laborious process, but apart from this consideration the Nuer seems to have an intense desire to see his cultivations round his home. When the ground becomes exhausted he will move his home to a new area rather than have his gardens a few hundred yards away from it. During the dry season the settlements are partially or completely abandoned according to whether permanent water is available or not and whether there is sufficient grain to keep the older and less active members of the community. The bulk of the population always moves with the cattle, and by February there are few people left in the villages except where grazing grounds are close enough for daily contact.

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The distribution of population in Nuerland is determined by the physical conditions I have described. Communications during the rains are usually difficult, and local communities, large or small, are to

a greater or lesser extent isolated at certain times of the year. Such 361
periodic isolation is one of the factors which tend to emphasize the
distinction between social groups and strengthen the ties within them, 621
for the people are compelled by territorial proximity to conform to an accepted pattern of behaviour. During the dry season, movements in the pasture areas are comparatively easy, but camps may be far apart and communications therefore tedious. The majority of people from a local community who occupy the same permanent settlement during the rains, tend to join together in the cattle-camps, and their relationship is therefore constant throughout the year. This is not, however, always the case, for people of different descent-groups, normally living together and assisting one another during the season of cultivation, may split up and join different cattle-camps during the summer. The way in which people join together and concentrate during the dry season is usually determined by kinship ties, or ties arising from common residence in the permanent settlements, though it need not be so. For example, the Lak Nuer are sometimes forced to move their cattle into Gaawar grazing areas because their own are insufficient to meet their needs in certain years. They do so by agreement with the Gaawar and graze their cattle there on sufferance. A closer analysis of the relations of Lak with Gaawar will usually show that some form of kinship relationship exists, or at least a relationship through intermarriage between the individual units concerned.

Climatic conditions adverse to the cultivation of millet coupled with 241
widespread cattle disease (rinderpest, contagious bovine pleuro- 231
pneumonia, trypanosomiasis, &c.) make life extremely precarious. Nuer like to claim that a mixed economy is forced upon them, and that they would scarcely bother to cultivate at all if their cattle were sufficient. This is, I think, largely an ideal. Cattle, though subject to disease, provide a measure of security in an environment where poor drainage and erratic rainfall distribution make crop-production a most risky enterprise and famine a common event. They might well cultivate more energetically if the processes of agriculture were not so laborious and their efforts so often of little avail.

Small quantities of maize are planted in the early rains and the 241
crop matures, if they are lucky, about the end of July, providing 132
temporary relief until the first crop of millet is available. This crop matures a few weeks later, while a second crop is harvested in November or December and sometimes as late as January. During this period the rains may be favourable to both crops and the Nuer are well supplied. In most years, however, one or the other crop fails and in the worst years the early crop is late in starting owing to lack of rain only to be ruined by torrential downpours when it is reaching maturity, while the second crop is often destroyed by floods. In such circumstances the Nuer are short of food, and two unsuccessful years mean

241 132 famine. The distribution of rainfall is, however, not universally favourable or otherwise to all areas of Nuerland. Heavy rainfall in low-lying regions may prove fatal, while it is suitable for crops planted on better drained, sandier soil. Thus crops are not as a rule universally good or bad throughout Nuerland, nor within one tribal territory. Some families have good crops, others bad, and the position may be reversed in another year.

●621 On a wider scale this leads to trading or a reaffirmation of more remote obligations of kinship; on a limited scale it leads to a re-emphasis of the ties of mutual assistance which are raised both by kinship and by association in a common territory. Economic considerations of this sort are important in the determination and maintenance of social groupings and in the maintenance of peaceful relations. This is a feature of Nuer society which has been at least partially modified by modern administrative methods since grain is often imported and sold in years of shortage.

The other principal factor making for social integration is the need for common defence against opposing groups or, in a much wider sense, defence against foreign aggression. It is obviously another factor which is most readily affected by modern influences and the introduction of an ordered administration. The need for mutual defence is lessened, and doubtless the feeling of opposition to an alien government is less intense now that the Nuer are used to it.

Whatever the factors making for social integration or the reverse, the pattern which extends within and across social groupings is the kinship system, both as a fact and as an ideal. The smaller the social unit the more important these factors are and the greater the need for mutual assistance and co-operation. Later we shall come to examine in greater detail how these factors have altered through normal contacts with other peoples and through the active policy of the Government, and in particular the resulting effect on legal concepts and procedures.

Social and Political Structure

114 Professor Evans-Pritchard has recorded a full analysis of the political and kinship systems of the Nuer. For the purpose of this work, which aims at the examination of legal processes and procedures in the present and to a lesser extent in the past, it is unnecessary to do more than summarize his observations and conclusions which, with the exception of minor local variations of no great importance in the general picture, are much the same as my own. Where I use examples, I often refer to the Zeraf Valley tribes, Gaawar, Thiang, and Lak, which Professor Evans-Pritchard has not studied. There is therefore some object in this summary, apart from its necessity as an introduction to the subject of law, since it provides further evidence from other parts

of Nuerland in support of his views. There is often the danger of over-simplification and generalization in a summary account of this nature and the reader must bear this warning in mind. 114

Professor Evans-Pritchard has classified the different forms or sizes of local community among the Nuer as follows: 114 621●

The MONOGAMOUS FAMILY attached to a single hut.

The HOUSEHOLD which occupies a single HOMESTEAD consisting of a cattle-byre and a number of dwelling huts occupied by a POLYGYNOUS family.

The HAMLET, a group of households living in a restricted area, but varying considerably in size and numbers.

The VILLAGE, a group of hamlets and scattered homesteads in a distinct area.

The CAMP, which is essentially a dry season formation, but not necessarily corresponding in the exact number of persons or the same individuals to the hamlet or larger unit from which the majority of its occupants come.

The DISTRICT, 'an aggregate of villages and camps which have easy intercommunication.' This usually corresponds to a small tribal segment.

The TRIBAL SEGMENTS OR SECTIONS of varying sizes.

The PEOPLE (Nuer: *Naadh*).

The 'INTERNATIONAL COMMUNITY', the limits of which are the Nuer's social horizon.

The homestead and the hamlet are essentially domestic units, while larger units are political as well as economic in character. The size and distribution of local communities are largely determined by physical conditions but partly by political considerations—the need for mutual defence, for example—which are variable in time and intensity. Hamlets or villages are usually the smallest political units and are composed of a group of people bound by loyalties which do not spring from kinship association alone but from the need for mutual co-operation in other spheres.

The Tribe and Tribal Segments

Among the Nuer one is faced with the usual problems of defining the segments of a segmentary society. According to Professor Evans-Pritchard the tribe is the largest political unit within the Nuer nation, since it is the largest aggregate of peoples who consider that 'disputes between its members should be settled by arbitration and that it ought to combine against communities of the same kind and against foreigners'. If the Dur (usually classed with the Nuong) and the Aak (often classed with the Dok) are considered to be separate tribes and the eastern Jikany peoples are composed of three separate tribes, the Gaajok, Gaajak and Gaagwang, there are fifteen such tribes in Nuerland, varying in size from approximately 6,700 (Aak) to 67,000 souls (Lou).[1] Each tribe has a dominant clan, round which other clans are clustered. Each has a common name, often derived from that of the original 619

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[1] See Appendix I.

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remote to be overshadowed by territorial association. If there were an occasion when the whole of Radh found themselves ranged against Bar, the Bang, Caam, and Gaatkwa segments would follow Bar rather than Radh.

The territorial segments of a Nuer tribe have the same characteristics as the tribe itself, viz. a common sentiment strengthened by tradition and mythology, exclusive rights in land and common occupation of a recognized territory, mutual co-operation in certain economic activities and in warfare both offensive and defensive, and a common name derived from a central lineage. With these characteristics in common, and generally speaking the smaller the segment, the greater the reality and meaning of such characteristics, primary segments are segments of a tribe, secondary segments are segments of a primary segment, and tertiary segments are segments of secondary segments. Finally a tertiary segment is divided into a number of villages and villages into basic domestic units represented in the homesteads which are also family groups. The smaller the unit, the more nearly it corresponds with a kinship group.

The Meaning of the word cieng

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The word *cieng* is normally used to describe these segments of society but, like the segments themselves, is a reflection of structural relativity. Hence it is a term which leads to much confusion among Europeans unacquainted with the social structure of the Nuer. I can do no better than quote some remarks of Professor Evans-Pritchard on this subject because they provide a key to an understanding of Nuer society and hence to an understanding of modes of behaviour, social relations, and also of legal concepts, which are the subject of this book.

> When a Nuer speaks of his *cieng*, his *dhor*, his *gol*, &c., he is conceptualizing his feelings of structural distance, identifying himself with a local community, and, by so doing, cutting himself off from other communities of the same kind. An examination of the word *cieng* will teach us one of the most fundamental characteristics of Nuer local groups and, indeed, all social groups: their structural relativity. What does a Nuer mean when he says 'I am a man of such and such a *cieng*'? *Cieng* means 'home', but its precise significance varies with the situation in which it is spoken. If one meets an Englishman in Germany and asks him where his home is, he may reply that it is England. If one meets the same man in London and asks him the same question, he will tell one that his home is in Oxfordshire, whereas if one meets him in that county, he will tell one the name of the town or village in which he lives. If questioned in his town or village he will mention his particular street, and if questioned in his street he will indicate his house. So it is with the Nuer. A Nuer met outside Nuerland says that his home is *cieng* Nath, Nuerland. He may also refer to his tribal country as his *cieng*, though the more usual expression for this is *rol*. If one asks him in his tribe what is his *cieng*, he will name his village or tribal section according to the context. Generally he will name either his tertiary tribal section or his village, but he may give his primary

> or secondary section. If asked in his village he will mention the name of his hamlet or indicate his homestead or the end of the village in which his homestead is situated. Hence if a man says '*Wa ciengda*', 'I am going home', outside his village he means that he is returning to it; if in his village he means that he is going to his hamlet; if in his hamlet he means that he is going to his homestead. *Cieng* thus means homestead, hamlet, village, and tribal sections of varying dimensions.
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> The variations in the meaning of the word *cieng* are not due to the inconsistencies of language, but to the relativity of the group-values to which it refers.[1]

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Cieng is a word which is used to describe residence, whether common residence implies kinship relationship or not. Thus when a man says he is a member of *cieng* Kerfeil, it does not necessarily mean that he can claim lineal descent from Kerfeil who is the ancestor of the Kerfeil lineage, though he can usually claim some form of affinity with that lineage, which is also the dominant one within that tertiary segment of the Gaawar and from which the name of that segment is derived. The word *cieng* is therefore variable in its application and meaning. In referring to a kinship group without any territorial implications there is another term which is commonly used, *thok dwiel*.[2] It must be remembered that this term is also relative. If asked his *thok dwiel*, his clan or lineage, a Nuer may say, for example, Gaawar, he may say Radh, he may say Kerfeil, or make a further distinction by saying Teng (Kerfeil), or he may refer to the name of some more recent ancestor. Since tribal segments and territorial units are seen by the Nuer in terms of kinship, the word *cieng* is, in many contexts, synonymous with the term *thok dwiel*, but the former is more specifically a term of residence, the latter a term of kinship, and both are relative.

It will be seen, therefore, that the kinship system provides a framework upon which wider political loyalties are extended. Political association is expressed in kinship terms. Thus the Gaawar are *gaat gan* War, the 'sons of the sons of War', and any member of the tribe will speak of himself as such in contrast to other tribes. All Gaawar, however, are not direct descendants of War, and in a context where a distinction is necessary the fact may be stressed. The tribe is usually closely associated with the clan from which it takes its name and which usually has greater numerical representation in that tribe than any other clan, but the clan is not restricted to any one locality and is itself segmented. These segments of the clan or lineages give their names to the component segments of the tribe and so on down the scale until the final unit of society is more nearly a kinship group

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[1] Evans-Pritchard, *The Nuer*, pp. 135-6.

[2] Literally 'entrance to the house'. The best translation in English is 'house', in the sense of a lineage—'the House of Bourbon', &c. The Arabic equivalent is *Khashm beit* (خشم بيت) which is often used in Arab society with the same relativity. As in Nuer society, among Arabs social relationships and political associations are expressed in kinship terms.

619 occupying exclusively a common territory. Thus the genealogical system runs right through the structure of the tribe and gives it
621 a form which can be visualized by the Nuer in kinship terms. Each individual knows his position in that structure and therefore his relation to other persons in the tribe by reference to the segmentations of the clan which run through it.

I do not propose to digress further on the nature of Nuer society, but must emphasize its structural form and relativity. Further, it is important to note that tribes and segments of tribes exist largely in opposition to each other, a condition which Professor Evans-Pritchard describes as the 'balanced opposition of groups'. Both these conditions, structural relativity and balanced opposition, are of profound importance in a study of customary law, since the sanctions for conformity are relative in strength according to the position in society of the individuals or groups concerned, and 'balanced opposition' is an especially important feature in the institution of the feud and the way in which feuds are composed. I shall therefore refer to these features of Nuer society later.

Custom or Law and the Sanctions for Conformity

671 The Nuer had no regular institutions for the enforcement of customary law in the past. Social control was not maintained through the systematic application of 'the force of politically organized society',[1] for there is no evidence that anything of such a developed and formalized nature existed. On this strict definition, then, the Nuer had no 'law', but it is clear that in a less exact sense they were not lawless. There were recognized standards for the control of human relationships even though these were maintained by sanctions too indeterminate to be called legal. As will be seen later, a very large and growing body of what should be called 'custom' when we refer to the past is now consistently administered in the tribunals established by the Government and hence is enforceable law in a more precise sense. It is not possible, however, to qualify every statement in reference to the past or the present, so that the term 'law' is used rather loosely in the text which follows.

577 A Nuer thinks in terms of rights which he calls *cuong* and of wrongs
602 which he calls *duer*. *Duer* in this sense means the failure to recognize a right or the infringement of a right. The Nuer has, by reason of his membership of a kinship group, both rights and obligations. A wrong, *duer*, therefore has two meanings. In the first place it is a wrong when a man actively violates the right of another. It is also a wrong when a man refuses to honour his obligations towards his kinsmen.

000 Given that there were rules of conduct, expressed in the terms

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[1] Roscoe Pound, *An Introduction to the Philosophy of Law.*

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on the marriage of their female relatives. Previously, if relationship was distant, the chiefs would agree to no cattle passing and the 'breaking' of *mar*, but since the Fangak meeting chiefs are very reluctant to break *mar* as the more so-called relations there are available to collect blood-money, the better.[1]

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In connexion with the first repercussion mentioned by Captain Romilly, it would appear that the object of this legislation has been defeated. Not only is litigation increased in the courts, but the result has been an increase in the very kind of dispute—elopement, adultery, divorce, &c.—which is so often the cause of violence and bloodshed.

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The second result noted by Captain Romilly among the Eastern Jikany Nuer is not necessarily a social evil, as he seems to suggest, and indeed was one of the intentions of the action taken in raising the rates of compensation. We have seen that the social structure of the Nuer has been subjected to severe strains, and since social groups in the past were at least partially maintained as co-operative units by the retaliatory sanction and the need for mutual protection, a reduction in the incidence of violence and of blood-feuds has naturally tended to reduce group solidarity. The lessening of the retaliatory sanction has led to an excessive process of fission without the accompanying process of fusion. Unless this process is checked, or at any rate the speed of the process lessened, there is a tendency towards social decay and even chaos before a new form of social organization based on territorial factors and local government can be substituted. Captain Romilly of course refers to the consequent increase in litigation in the already overburdened courts because the retention of the widest range in *mar*, 'kinship', means a larger circle of people involved in relationships which demand mutual assistance and therefore an increased number of claims in a cattle exchange system.

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The Nuer courts which have been established by the Government are a form of machinery through which the social system is maintained. As I have explained previously, this has introduced a political authority upholding the customs of a social system, and custom therefore becomes law in a more precise definition of the term. Customary payments of compensation for wrongs (*duer*), normally only likely to be effective because of the fear of condemnation by a restricted community sentiment and a consequent loss of privilege and security, are now enforced as law. Cases are raised in the courts which would never have had the slightest chance of success in the past, and judgements are enforced because a too literal application of the traditional principles is made. A typical example of this is *nyindiet*. It seems likely that in the past *thung nyindiet* was only demanded in cases where the persons concerned were very closely related and then on a much reduced scale.

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[1] Unpublished administrative records (Eastern Nuer District), 1945.

476 and well beyond the limits of the reciprocal distribution of bridewealth
602 cattle, but I do not wish to exaggerate the extent or effectiveness of economic reciprocity in the kinship system. In the past as well as
438 the present, grain and other food were bartered for cattle, other animal stock, and other commodities, and there was considerable trade, which increased in volume in years of famine. Nowadays, with the introduction of a money economy, grain is bought with cash either from other Nuer or from Arab merchants, who, sponsored by the Government, often import large quantities to meet local shortages.

●621 A stranger cannot intrude himself into a community or build his house and clear his fields without its acceptance. Not only will
609 objections be raised which might lead to his ejection, but he could not hope to gain full membership of the community and the advantages which follow. This does not, however, usually arise because strangers are nearly always a welcome addition to the community, which thereby gains in strength, and because the newcomer can nearly always claim some previous link arising from kinship, marital ties, or at any rate close friendship (*math*), with one or more members of that community. In any case a form of social relationship will be forged in the passage of time by intermarriage and adoption into the lineage structure of the community. A change of residence, if it is permanent, means also a change of social and political affiliation.

423 For these reasons, because crop production is not an important feature of their economy, at any rate in many parts of Nuerland, and because, despite the obvious limitations of flood-free land, there is no great shortage, there are no complex laws of land tenure. Disputes are rare, and still more rarely taken before the courts.[1] Thus, though circumstances may change with the development of agricultural enterprise, land tenure is not at present an important or well-defined feature of Nuer customary law.

Grazing Rights

423 During the rains the cattle are kept in the permanent settlements and quartered in cattle-byres (*luak*), each family unit having its own.
233 The *luak* is the centre of the family group consisting of the head of
361 the family and his wives, who, each with her children, occupy separate huts which are clustered around it. Grazing is used communally by all members of the settlement, and although pastures are limited, especially at the height of the rains, and although there may be periodic shortages when the cattle lose condition, no more precise division of the territory is necessary. Disputes rarely, if ever, arise, and in the herding of cattle the members of one settlement are united by common

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[1] The only form of dispute commonly brought before the courts concerns 'animal trespass', where straying cattle, sheep, or goats damage the crops of neighbours. Compensation is often awarded in such cases.

action in spilling the blood of a fellow man. There is no concept of 771
Man as a member of Mankind, only as a member of a kinship group, 682
and reprobation is expressed by them alone. Moreover God is not
angered at the death of a human being, for God is not concerned [776]
with humans in this general sense of protection and responsibility;
but the particular manifestations of God, represented in the kinship
group by ancestral spirits and by the spirit of the dead man (*cien*),
are indignant and cry out for vengeance.

There are therefore two reactions present: first, the reaction of the 682
kinsmen of the slain, which is a reaction of indignation at personal
loss, reduction in their numbers, and the damage to the continuity of 783
their group; and this finds further expression in religious concepts
associated with the kinship group. The second reaction is that of the
killer's group, who demand that, in their own interests as well as his
own, he shall perform those rites of expiation which will neutralize
the effects of spiritual contamination emanating from the spirits
associated with the dead man's kin. They may also express disapproval
of his action, for he has brought upon them not only spiritual dangers
but the threat of violence, and more probably the loss of the cattle which
they will have to pay to restore the peace and regain their security.

Homicide has not yet become the concern of society as a whole 682
and, except that other persons may find themselves involved in a feud
which may spread along traditional lines of political cleavage, those 621
outside the specific groups affected are not interested. The existence
of a segmentary system and the absence of organized political authority
covering all sections of Nuer society mean that there is no corporate
body which will take action against the killer in the interests of society
as a whole. The kinship group of the deceased combines against the
killer and, by extension, according to the principles of collective
responsibility, against the kinsmen of the killer. The latter are then
compelled to adopt an attitude of defensive opposition, but within
their own group they have also to demand that the killer shall perform
those acts which will restore to him his ritual status.

From these observations it will be seen that—

(i) Homicide is considered a wrong, though not against society as 682
a whole. The element of wrongness is relative to the relationship in 783
the social structure of the parties involved. The killing of a stranger,
especially of a foreigner, who does not come within the most expanded
form of the social structure, is not really wrong (*duer*) at all. It is
neither a crime nor a private delict, for there is no political sanction
involved and no social relationship which might demand restitution.
There is no motive for composition nor any mechanism for
achieving it. It is, however, a situation which demands expiation in
the form of ritual and sacrifice, which the killer performs with the
assistance of the Leopard-Skin Chief. The ghost of the dead stranger,

CHAPTER VII

THE NATURE OF NUER LAW

Private Law and Public Law

WHEN speaking of Nuer systems of social control in the past we should not be justified in making a distinction between criminal and civil law, though we might, in some instances, be justified in doing so now. Such a distinction is based on the conventions of legal principles inherent in our own culture, and these are not applicable. We can, instead, as recommended by Professor Radcliffe-Brown, distinguish between 'the law of public delicts and the law of private delicts'. He points out that— 671

> in any society a deed is a public delict if its occurrence normally leads to an organized and regular procedure by the whole community or by the constituted representatives of social authority which results in the fixing of responsibility upon some person within the community and the infliction, by the community or by its representatives, of some hurt or punishment upon the responsible person. This procedure, which may be called the penal sanction, is in its basic form a reaction by the community against an action of one of its members which offends some strong and definite moral sentiment and thus produces a condition of social dysphoria. The immediate function of the reaction is to give expression to a collective feeling of moral indignation and so to restore the social euphoria. The ultimate function is to maintain the moral sentiment in question at the requisite degree of strength in the individuals who constitute the community.[1]

It is worth while examining this statement in the light of what has emerged in the preceding chapters. Our first difficulty among the Nuer is, of course, to define a community. Nuer society is segmentary, and therefore a group of persons or a segment of a tribe may have political significance at one moment, and at another moment no significance at all. This difficulty is accentuated by the process of fission and fusion described by Professor Evans-Pritchard.[2] A tertiary segment of a tribe has, in this sense, a more constant political existence, and a localized lineage even more so, than a secondary segment or larger unit until we reach the tribe which is, or was, the limit of political unity. The fact that political co-ordination, especially in matters of law, now extends beyond tribal boundaries, because the Government provides the link, in no way alters this argument, for we are still considering the past. Even with this qualification, however, and with full realization that the sanctions for conformity have a variable social range and that a 621 671

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[1] *Encyclopaedia of Social Sciences*, New York, 1933.
[2] Evans-Pritchard, *The Nuer*, p. 148.

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621 671 community among the Nuer is relative, like the Nuer word *cieng*, which roughly describes a territorial and social unit whatever the size,[1] we can still safely say that there was little or no public law among the Nuer in the past.

681 621 [783] The sanction, even for the most serious of offences, homicide, was retaliatory, requiring only an act of vengeance against the killer or any one of his kinsmen, and thereby maintaining the balance and satisfying the indignation of the kinsmen of the deceased. Alternatively restitution might be made, the payment of which fell not individually on the killer but again on all his kinsmen and which, though primarily directed to providing the dead man with a wife, thus to raise children and restore the balance, was in part divided among the dead man's kinsmen. This division, which still applies today, is itself of particular significance for it shows that the cattle paid as 'blood-money' are in no sense merely a punishment or punitive damages inflicted on the group of the killer, but are primarily directed to the restoration of the balance between them and the group of the deceased. This balance is disturbed by the act of homicide, and the two groups or segments of a tribe are at once in a state of feud (*ter*) and will suffer spiritual pollution if the ordinary contacts of daily life continue between them. They are the *ji ran*, the 'people of the (dead) man', and the *ji thunge*, 'the people of the compensation', and between people in this condition social intercourse is not only unsafe, because at any time an act of vengeance may happen, but also spiritually dangerous. There is therefore a disturbance of equilibrium, which finds expression, on the one hand, in the feeling of intense indignation—often, as we have seen, more conventional than actual—of the dead man's kin and, on the other, in the fear on the part of the killer's kinsmen that violent retaliation may follow. Between them there is the fear of mutual contamination.[2] The balance is restored by the performance of ritual, the purpose of which is to remove the danger of this spiritual contamination, and by the complicated processes of payment of 'blood-money', the main object of which is to remove the feeling of indignation of the *ji ran* by giving them compensation in cattle for their loss. That this loss extends to a group larger than the immediate family of the dead man is seen in the fact that a small portion of the compensation is paid to his maternal relatives, the distribution following a pattern which is similar, though much restricted, to the distribution of bridewealth. The majority of the cattle go to provide a 'ghost-wife' for the dead man, thus assuring the continuance of his line in the lineage structure and also the unimpaired continuance of that lineage as a whole. There is nothing in these processes which

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[1] The Nuer *cieng* has already been discussed; see pp. 21–22.

[2] It may be argued that the fear of contamination and the consequent avoidance are only a psychological expression of the fear of retaliation.

may be described as public law. There is no evidence of a penal sanction 681 applied by anything which resembles 'politically organized society', nor anything which indicates that such procedure is enforced by the 621● will of the community; the community, that is, which extends beyond those segments which are actually at feud. Nor again can the Leopard- [624] Skin Chief, the functionary through whom the ritual and compensatory processes may be successfully carried out, be described as a 'constituted representative of political authority', for there is nothing behind him to enforce a decision other than a vague and not very effective sanction in his power to curse. It is only when both parties are willing to negotiate that his particular functions are effective.

A further point of significance is the fact that the Nuer distinguish 684 between intentional and accidental killing. It might well be argued that, since they make this distinction, there is at least an element of 681 the idea of punitive damages contained in the scales of compensation according to the circumstances of homicide. I do not think this is so for two reasons. In the first place the Nuer often say that there really should not be any distinction at all. In the second place it seems that the variations spring from an original principle of compromise. The indignation of the *ji ran*, the dead man's kindred, is undoubtedly affected by the motives of the killer, and is likely to be less intense if there is no motive at all. In the past a compromise at a lower figure was therefore more probable. Since then there have been many homicide disputes from which precedents have arisen, and many of these were due to the direct influence of administrators at the time. Precedents of this sort have now become standardized by usage and, recently, by formal recognition at the Nuer Chiefs' Council; there is now a complicated body of laws concerning homicide which are consistently applied.

In the past, then, the outcome of blood-feuds depended on the 684 social relations of the groups involved, even though the division over these events might follow the lines of segmentation until a whole tribe 621 was split. There was no all-inclusive community within which an act of homicide could become a public delict, nor any political association 681 outside the parties concerned sufficiently institutionalized to enforce a decision. There was only a traditional procedure by which the affair could be settled if both parties were willing.

Similarly other legal wrongs required the payment of an indemnity 681 to the injured party and, since the individual does not stand alone or acquire rights except as a member of an integrated kinship group, 621 we may say that this action, though less collective in extent than the composition of homicide, was directed to the re-establishment of the balance between the groups concerned. If the maintenance of the balance was not necessary, either because the two individuals were closely related and the disturbance was in consequence less acute, or

681 621 because the groups concerned were too remotely connected, the likelihood of composition was small. In the first instance the indemnity was not paid, or was paid on a much reduced scale; in the second instance it was not paid at all. Again, analysis of the concepts which concern sexual congress of persons between whom such relations are forbidden shows that such offences are not treated as public delicts. [684] Adultery requires the payment of an indemnity in cattle, and we have noted that some of these cattle are regarded as direct compensation for an infringement of marital rights in the wife, while one in particular is an expiatory payment necessary to remove the pollution which results and to rectify any impairment of the husband's ritual status. There is no evidence of public law here. Even a breach of the laws of exogamy, which, among some African tribes, is followed by a reaction of moral indignation and organized action against the culprits, is not a public delict among the Nuer. Certainly no punitive action is taken against the guilty parties even though all their kindred are subjected to considerable spiritual danger. The sanction here is supernatural, and although the pollution caused by such an act may extend beyond the principals to persons who are related to them, penal sanctions are not applied. Moreover such offences are relative in gravity according to the proximity of relationship between the principals. Even in the most serious breach the contamination (*nueer*) may be removed by the performance of the prescribed ritual, which is considered effective and in which the Nuer have considerable confidence.

[685] We have also considered theft. Here, in the case of material possessions of a certain type, all of which had an exchange value in cattle, the Nuer tell us that damages could be claimed which appear much in excess of the current value. This certainly suggests a concept of punitive damages; but further analysis shows that compensation was directed again to the restoration of equilibrium. The disturbance had been considerable, not only because articles of this nature had a high intrinsic value owing to their scarcity and the difficulty in obtaining them, but also because their loss might cause severe economic hardship to the individual and to his family group, and perhaps to a wider circle of associates in the subsistence economy. It is doubtful, in the absence of any institutionalized body to enforce payment, whether compensation was ever paid on the high scales which the Nuer tell us are traditional but, whatever the circumstances, it is clear that theft was not considered a public delict.

681 621 683 The only form of procedure which might fall within the category of public law was the repressive action taken against witches and ghouls. Although the Nuer themselves say that this action was sometimes taken and, in quoting instances in their history, refer to individuals who have at least an established position in known genealogies,

there is no documented evidence, and we are again approaching a subject which is a matter of conjecture. It may be presumed, however, that violence probably resulting in death was sometimes used against persons who had acquired such an evil reputation that their continued existence in the community became intolerable. Nuer tell us that in the case of ghouls (*rodh*) no indemnity would be demanded by the dead man's kinsmen, and only a much reduced indemnity in the case of possessors of the evil eye (*peth*), and sometimes magicians (usually *tiet*) who were alleged to have used their powers for strictly anti-social purposes. This does not necessarily suggest that anything in the nature of organized or concerted action was taken but that the act of revenge on the person of a witch by an individual, or a few individuals who supported him, was condoned by public opinion to such an extent that the kinsmen of the deceased dared not retaliate, or perhaps themselves condoned the act, considering themselves well rid of a dangerous factor within their own lineage. At any rate a blood-feud was unlikely to follow, and although vague statements of this kind must be substantiated by actual examples[1] before any definite conclusion may be drawn, we might be justified in saying that here at least is the germ of public law. 681 621 683

Trends and Changing Conditions: the Transformation of Custom into Law

We have seen in the introduction and throughout the descriptive passages of this book that among the Nuer there are recognized rules of conduct which find expression in the terms *cuong*, 'right', and *duer*, 'wrong'. These concern the relations of one Nuer with another and, since the individual cannot be considered in isolation, one group with another. The distinction between custom and law has also been mentioned. The term 'law' is sometimes used of all processes of social control, and by this definition any of the obligations, customary actions, and conventions inherent in the social system might be described as law. It is less confusing to adopt the hypothesis that the extent of the law is limited to social control which is maintained by organized legal sanctions and applied by some form of organized political mechanism. By this definition, the Nuer had no law, for, as we have already seen, there was in the past nothing in the nature of politically organized society. There were in a sense courts of arbitration dependent on the person of the Leopard-Skin Chief, but resort to this functionary only occurred if both parties were willing or found it expedient to do so, and there was certainly no means through which a judgement could be enforced even if it was given. 671

On this subject, Professor Evans-Pritchard has written:

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[1] It is perhaps now too late to collect reliable evidence on this subject.

692 certainly mean that he will be called upon to pay compensation and
forced to comply. In the past there was no certainty that he would
681 be compelled to pay compensation, but there was always present a real danger of vindictive retaliation, and the latter sanction appears to have been more effective in the past than the former is in the present. For this reason adultery is a more common offence than it was, or so the Nuer say, and here again there is an increase in litigation.

We find, then, that the establishment of the courts, though in one
692 sense preserving the social system from complete breakdown, is in
177 another sense contributing to social maladjustment. Moreover the establishment of courts with powers of coercion behind them tends
691 to stimulate litigation because the courts provide a mechanism through which claims may be pressed which, by reason of the social or spatial distance between the parties concerned, would formerly have had little or no chance of success. In other words, claims in the courts receive the sanction of alien authority which has a wider range than the sanctions which previously made for their fulfilment. The relativity of application is now fast disappearing. We find at one end of the scale increased litigation due to the enforcement of claims which in the past could have had no legal reality. At the other end of the scale we find the modification of sanctions which in the past would have ensured unquestioned fulfilment of reciprocal obligations; a modification which leads to social disintegration of which increased litigation is a symptom. In the first place the Nuer are bringing before the courts actions which previously would have stood no chance of settlement. In the second place the obligations of social existence are more and more maintained only by direct action through the courts. The problem of increasing litigation is a serious one. It is one of the basic problems of administration among the Nuer.

'Balanced Opposition' in the Court System

In the past each social unit of Nuerland existed largely in opposition
621 to other units. The need for common defence, mutual co-operation, and collective enterprise in economic activities were the principal factors which maintained the identity of territorial groupings, the relation between the territorial and political aspects being expressed in kinship terms. Each tribe, each tribal segment, each local community, was identified with a dominant clan or lineage. These formed the nucleus of groups of people not otherwise related, and links were forged between them on a kinship analogy. Such cohesion, which was not in any case constant, was therefore the result of the interaction of several factors. Although the Nuer were involved in aggressive warfare with the Dinka during the period of their expansion westwards in the last century, it is clear that tribal segments

were often at feud with each other. Scarcity of food, an annual occurrence among the Nuer, made mutual assistance in the subsistence economy essential, and this in turn created mutual obligations and reciprocal duties which extended beyond the sphere of economics. Isolation during the rains, varying degrees of necessity to migrate during the dry season in search of pasture, and the variable quality of the grazing available affected the quality and cohesion of the community and its relations with other communities. 621

These factors are much modified today. The need for common defence or aggression is considerably less because of the intervention of the Government. The scarcity of food and the fear of famine is reduced because in the last resort the Government has, at any rate for the past fifteen years, arranged to import grain for sale to the Nuer, should it be necessary. Isolation at any time of the year is less complete since communications have improved. The integration of the territorial groupings of Nuer society is for these reasons much affected. Communities are essentially territorial in basis and integrated by common sentiments which naturally arise. Through them stretch the concept of patrilineal descent and ties arising from marital relationships. Any modification of the sanctions which uphold the balance of this social system leads to a conflict of loyalties and a tendency to revert to kinship ties alone, even though kinship ties are themselves loosened by the growing process of social disintegration. Fission is caused by the modification of those sanctions which make fusion necessary. In the past, as Professor Evans-Pritchard has pointed out, the latter process was a complement of the former. When a group broke away from its homeland or split owing to a feud within itself, unless the members were sufficiently numerous to retain their identity and resist external aggression, they had to find a place in society somewhere or suffer political or economic insecurity. 621 178

Nowadays, when security against the opposition of others and the need for economic insurance are no longer so acutely necessary, the process is confined to splitting into smaller units of segmentation. This is a fundamental tendency apparent in Nuer society today, and the political aspect of the process is manifest in the endless demands for further and yet further representation in the courts by headmen (*gaat tutni*) who are the leaders of smaller and smaller segments. Representation in the courts so that personal claims in legal disputes may receive personal backing is the real motive behind this tendency. Yet the factor of 'balanced opposition' is still evident in the procedure of Nuer tribunals. It is more particularly manifest when a joint meeting is held between tribes or secondary segments. The attitude of the chiefs in such circumstances is always 'if you settle these cases, we will settle those'. Thus, to take an example, a court meeting of the Thiang Bang (primary segment) may appear chaotic so long as 621 178 692

621 178 692 disputes are confined to tertiary or lesser segments within it. A man of *cieng* Bedit (a secondary segment) will receive the backing of court members who represent *cieng* Bedit when arguing a case against a man of *cieng* Juagh (another secondary segment), and the decision reached is in the form of a compromise between them. Even though judgement is given, it will depend on the spirit of compromise between those segments whether the chiefs will see to it that the judgement is promptly executed. There is also present a neutral body represented by the chiefs of other segments who, with the segments concerned, make up the sum total of the people over whom the court has jurisdiction. These will tend to act as arbitrators, while those who represent the segments to which the disputants belong are really acting as advocates rather than judges, but it will be the latter upon whom the responsibility of execution will fall. This is how a Nuer court functions, and if there is a joint meeting between the whole of Thiang and another tribe, all representatives of each side, previously at loggerheads with each other over internal affairs, will join together in forwarding the interests of their own people.

621 692 The spirit of compromise usually prevails. In disputes which are hotly contested it has been usual to bring in chiefs from other tribal areas to act as neutral arbitrators, and from this appeal courts have been formed, although in the recent past it was the District Commissioner who acted in this capacity. The balanced opposition of groups is therefore still an essential feature of the Nuer court system, and in this sense the courts are a stabilizing factor in the maintenance or re-emphasis of group identity.

The Introduction of Penal Sanctions

671 Some of the more general effects of the introduction of ordered administration and the establishment of Nuer tribunals have already been mentioned. We must now consider the effects of these influences on the nature of the law itself. We have seen that in the past, with the exception of the most rudimentary form of public and collective action which was sometimes taken against witches and other anti-social persons, there was nothing to suggest the existence of public law among the Nuer. The law, if we are justified in speaking of the law in reference to the past, comprised all those rules of conduct which regulated the behaviour of individuals and of groups, were maintained by indeterminate and relative sanctions, and were directed to the continuance of equilibrium in society. Since society among the Nuer is segmentary, this aspect is particularly obvious in what we have called the 'balanced opposition' of the component segments. Nowadays people who refuse to conform to the accepted pattern of behaviour, whether by the avoidance of duties or by the violation of the

561 expressed in your close association, in love-making and dancing, in hunting and warfare, in mutual visiting and sharing of meals. The essence of such a system is that it should work automatically for there is no one to enforce it. You ought to behave with deference or equality or superiority to men of different age-sets, and if you do not behave towards a man as his age-status requires you to do, then you will have done the wrong thing—people will say so openly and your father and uncles will consider themselves insulted by your conduct towards a member of their age-set and you will suffer from their chagrin. That the system works is perhaps in part due to its association with kinship ideology and also to the fact that it does not have to work outside the local community where the bonds of kinship are effective. It stratifies members of the local grouping, of the village and district and cattle-camp.

602 Every society regulates the interaction of its members, among other ways by organising them into age-grades that are associated with the ideology of family life. The problem is : why does age become stratified into formal sets ? I do not know that any satisfactory answer can be given to that question and none will be attempted here. It is pertinent to ask, however, whether there are any other means of determining community interrelations in questions of leadership and authority. From this point of view, it would be desirable to make a comparative study of what happens in neighbouring cultures like those of the Shilluk and Dinka, especially among the Shilluk where the system has almost entirely broken down, for we may suppose that it has at one time been less negligible a social influence than at present, and also in those East African societies, like the Masai, where the age-set institution has reached its highest development. But, although such questions can only be treated on the basis of comparative study we may, nevertheless, note once more the absence of any very decided political status among the
621 Nuer. Nor does a kinship system provide an adequate means of denoting leadership. Even in the narrowest type of kinship relations, that between
561 brothers, authority is not an integral part of patterns of kinship behaviour. And we have to remember that wielding of authority is always a difficult
182 matter in any society, and where it is not based on open restraint this is due to a clear cleavage between those who order and those who obey, each person knowing at once to which party the other belongs. Among the Nuer it can hardly be said that leadership and authority are highly

developed, but in so far as they are present, they derive their sanction 621
to a large extent from the age-set system. We must also remember
that age-sets are organised tribally and are one of the institutions common 561
to all members of the same tribe and may, therefore, be supposed to
act as a unifying agency in the loose political life which we have seen to 182
characterise Nuer tribes. As much as language, moreover, it is participation in a Nuer age-set that stamps a man as a Nuer and distinguishes him from Dinka, Shilluk, Anuak, and other peoples. When you have six weals running across your forehead you are a real Nuer, a member of the finest nation on earth. The Nuer does not doubt his superiority over the other folk and is intensely proud of the marks on his forehead which prove his nationality.

Nyueny is one of the finest
ridges (*thur*) in Western Nuerland and in times of flood the people of 361
neighbouring villages encamp there. This advantage is slightly offset by 312
the corresponding fact that there is often insufficient water for the cattle
early in the dry season, so that the people of Nyueny are among the first
to move to dry season camps. The population of the village is approximately[1] 129 souls. [161]

The village, commencing from the outlying hamlet of Dorpan, consists [621]
of the following 26 homesteads.

Homestead No. 1 Nyaluthni ♀—Rial ♂. She is a barren woman with 592
many cattle which she has obtained partly as fees, for she is a well known 361
diviner and magician, and partly from the bride-wealth of her nieces, for 588
her brother has several daughters and she not only gets the cattle due to a bride's paternal aunt but also some of those due to a bride's paternal uncle, because, being barren, she counts in some respects as a man. She exchanged a Dinka woman for cattle (*ce rek jaanga luil ka ghok*). This was not, properly speaking, a marriage but we might describe it more correctly as an exchange or even a purchase. This woman, Luel ♀, bore two children, Majak ♂ and Nyagai ♀, by a Dinka man. Nyaluthni has also married, by payment of bride-wealth and by performance of the usual ceremonial, two Nuer girls. One Nyabuor ♀, gave birth to twins, of whom Buth ♂, survives, by a man of the Jikul clan, Wecyil ♂ by name. When Wecyil ♂ died she cohabited with a Jikany man called Kemkin ♂. and she is now in child by him. The second girl, Nyakoka ♀, has recently been married and she has not yet borne children. She cohabits with Rwot ♂, a kinsman of Nyaluthni of the Tedar minor lineage.

These men do not live in Nyaluthni's homestead but frequently visit it and stay there for one or several nights. They hoe her gardens and are chosen to cohabit with her wives because they are known to be hard-working gardeners. They are given meals when they are present, and on the marriage of the daughters he has begotten the genitor will receive a cow from the bride-wealth of each.

Nyaluthni (generally known as Nyarial after her father) is the pater of 592
the children of her wives and she is always spoken of as such when their 593
names are mentioned. Thus people always speak of Majak ♂—Nyarial
♀ and Nyagai ♀—Nyarial ♀. Her children address her as *gwa*, "father", 588
and not as *ma*, "mother". She is a woman of outstanding character, with fine features, and always well-dressed. She is very competent and runs her homestead like a man. If her wives are lazy or disobedient she beats them. They treat her with the respect due to a husband and place meals before her with the same ceremony as they would employ to a male husband. She speaks of them as "my wives". She directs the business

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[1] I say "approximately" because it was not my intention to compile a census though in fact I did so in the course of my enquiry into matrimonial conditions in the village. Consequently it is possible that two or three girls whom I have reckoned as residents are married to husbands in other villages. This may have been the case at the southernmost end of the village. I know everyone in the of rest the village too well for this mistake to have been made, enquiry always being controlled by personal contact.

613 to a certain group and not a member of it in relation to a different group. Lineages are thus essentially relative groups, like tribal sections, and, like them, also are dynamic groups. Therefore they can only be described satisfactorily in terms of values and situations.

613 621 Nuer lineages are not corporate localized communities though their members often have an association with a locality and speak of the locality as though it were an exclusive agnatic group. Every Nuer village is associated with a lineage, and though the members of it often comprise a small proportion of the community, it is identified with them in such a way that we may speak of it as an aggregate of persons clustered around an agnatic nucleus. The aggregate is linguistically identified with the nucleus by the designation of the village community by the name of the lineage. It is only in reference to rules of exogamy and certain ritual activities that one needs to regard lineages as completely autonomous groups. In social life generally, they function within local communities, of all sizes from the village to the tribe, and as part of them. We cannot here discuss the ways by which residential groups become a network of kinship ties—marriage, adoption, and various fictions—but the result tends to be that a local group is a cognatic cluster round an agnatic core, the rules of exogamy being the operating principle in this tendency.

614 Nuer clans are everywhere much dispersed, so that in any village or camp one finds representatives of diverse clans. Small lineages have moved freely over Nuerland and have settled here and there and have aggregated themselves to agnatically unrelated elements in local communities. Migration and the absorption of Dinka have been circumstances favouring the dispersal and [769] mixture of clans. Being a conquering, pastoral people and not having an ancestral cult, the Nuer have never been bound to any particular spot by necessity or sentiment.

Nevertheless, there is a straight relation between political structure and the clan system, for a clan, or a maximal lineage, is associated with each tribe, in which it occupies a dominant position among other agnatic groups. Moreover, each of its segments tends to be associated with a segment of the tribe in such a way that there is a correspondence, and often a linguistic identification, between the parts of a clan and the parts of a tribe. Thus if we compare Diagrams I[1] and III[2] and suppose clan A to be the dominant clan in tribe B, then maximal lineages B and C correspond to primary

[1] [see p. 282, cat. 116 -- Analyst]

[2] [see p. 285, cat. 285 -- Analyst]

619 fled from the Dinka who had brought him up they said "*achilo kang* (someone, the stranger) has gone. This phrase became corrupted into the word Jekaing, by which name the descendants of Kir are now known." This is an unlikely explanation, for one reason because the terminal phoneme in Jekany is *ny* and not *ng*, and for another reason, because *ji* is obviously a prefix meaning "people," as in JINACA, the people of Nac, or JIKUL, the people of Kul.[1] By analogy one may suppose that Jikany are the people of Kany, but it is very doubtful if Kany can be regarded as a proper name and equated with Kir, who was the founder of the dominant clan in this tribe and who, we might expect, would furnish the proper name after which the tribe would be called if they were called after a man. One may, nevertheless, I believe, ask a descendant of Kir "*Labi Kany*?" ("Are you a Kany?") in the same way as one may ask a descendant of Nac "*Labi Nac?*" ("Are you a Nac?"). Some people explain the term Jikany by saying that it is derived from a word meaning palm trees on account of a connection between palm trees and Kir who lived near them or who was found in a gourd on them or at their feet.

186 There can be no doubt that tribesmen have an emotional feeling about their country and hence towards its other occupants. This sentiment arises from common action in warfare, common name, common traditions, common regulation of public life, common territory, and above all from the fact that in each tribe one clan is predominant and forms the iron girders of kinship around which the political structure of the tribe is built up. Except in occasional periods of solidarity, however, when the tribe acts together as a military unit, the sentiments which bind its members together are extremely weak. Thus we find [578] lengthy feuds going on between one section and another within the tribe itself.

619 621 682 (3) Nevertheless, machinery, even though it is cumbrous and not always very effective, exists by which feuds can be prevented or settled sooner or later when they take place between segments of the same tribe, whereas if a member of one tribe kills a member of another tribe there is no definite social machinery for controlling the situation which will arise as a result of the homicide. At the same time it is necessary to point out that the degree of control over retaliation for homicide varies

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[1] In reading proofs I notice that I have written Jikany and Jekany equally but have not thought it worth while to alter. This is also the case with Jimac and Jemac.

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considerably within the tribe itself according to the size of the section concerned. The smaller the sections involved the greater the control, the larger the sections involved the smaller the control. Thus it is easier to settle a dispute between two villages of the Leng tertiary section of the Lou tribe than between one village of the Leng tertiary section and another village of the Nyarkwac tertiary section (*see* sketch map No. III). This is due to closer local cohesion in the first case than in the second and to closer relationship among the dominant clan element throughout the Leng section than between this element and the corresponding element in the Nyarkwac section. In the same way the Nuer say that there is more likelihood of settling a dispute between fighting factions of Gaatbal and Rumjok secondary tribal sections (*see* sketch map No. III) than between Gaatbal and Jemac secondary tribal sections, since Gaatbal and Rumjok both form part of the same primary tribal section of Gun while Jemac forms part of a different primary tribal section, the Mor. In this case also the dominant elements of Gaatbal and Rumjok sections belong to the same clan while the dominant element of Jemac section belongs to a different clan (*see* diagram No. V). Doubtless this is a statement of general tendency or principle and is, in actual practice, subject to many exceptions due to the special circumstances of the dispute and the genealogical relationship of the parties involved in it.

In kindly criticism[1] of the paper which I read before the British Association Mr. Coriat takes exception to my regarding settlement of disputes among tribesmen as a characteristic of tribal organisation. He points out that "in the past acts of homicide as between members of different Nuer tribes were dealt with by leopard skin chiefs in the same way as with members of tribal groups." I do not wish to pit my slight experience of the Nuer against the great knowledge and long experience of Mr. Coriat. Doubtless many homicide cases between members of different tribes were settled by leopard-skin chiefs. Among all peoples there is a wide divergence between theories of social life and actual social practice. I can only urge that I was constantly told as a legal rule or principle by the Nuer themselves, however little this may accord with actual practice, that among all Lou tribesmen there was *cut* (compensation for homicide) whereas there was no *cut* between Lou

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[1] Privately circulated.

619 and Gaawär or between Lou and Gaajok. In Gaajok country I was
also repeatedly informed that there was *cut* between all Gaajok tribesmen,
621 but no *cut* between them and Gaagwang or Gaajak tribesmen. It is
682 true that tribes are not water-tight compartments. People moved all
628 over Nuerland with remarkable freedom and there are strong social bonds
[581] uniting people with members of tribes other than their own, particularly
the bonds of marriage (there has always been interchange of daughters
[614] between Lou and Gaajok, for instance) and the bonds of clanship (the
dominant elements in Gaajok and Gaajak tribes, for example, belong
to the same clan since they are all descended from the same ancestor,
Kir. Also lineages of the same clan are scattered far and wide among
a dozen different tribes, but still recognise their kinship in spite of their
territorial disintegration). Nevertheless, the declarations of Nuer on
this point must have some significance, and I consider it well to record
my own impressions from their verbal statements, together with Mr.
Coriat's criticism. The point is important, but not overwhelmingly
619 so. What is of greater significance is that each tribe has its own tribal
officials who regulate disputes among tribesmen in so far as their ritual
624 functions allow them to do so. The Lou leopard-skin chiefs regulate
disputes among Lou tribesmen and Gaajok leopard-skin chiefs regulate
disputes among Gaajok tribesmen. In virtue of his sacred character a
leopard-skin chief (or land expert) can perform his ritual functions
irrespective of tribal boundaries, but in the nature of things one does not
summon a leopard-skin chief from Gaajok country to function in Lou
country, but each district of Lou country has its regular experts who
perform whatever services are required of them by fellow tribesmen of
their section.

617 (4) Tribesmen unite for defensive and offensive warfare against
other tribes and segments of other nations. Messengers summoned
721 Lou tribesmen from all over the tribal area for a combined raid on the
648 Dinka and those who wished to take part in the raid answered the summons.
In such expeditions there was a truce to disputes within the
tribe itself and temporary tribal solidarity was attained. Mr. Coriat
points out to me, with some justice, that "it is incorrect to state that
the tribe is the largest political unit within the nation. Their history can
show many instances where two or more tribes have combined in common
offence and defence. As an example, Lou and Jekany against the Anuak,

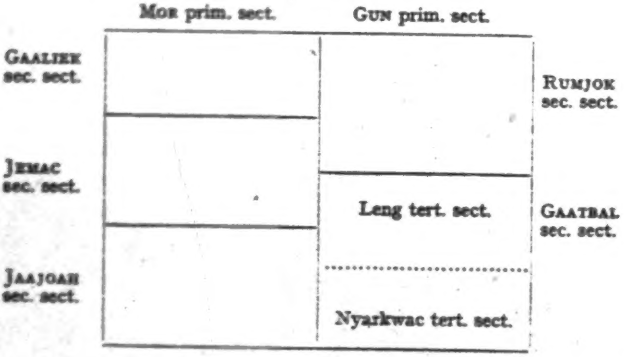
Little harm is done whichever way we speak of them so long as we clearly 619
define what we refer to at the outset. The point to remember is that " tribe " among the Nuer is a relative term and that what we speak of as a tribe to-day may not be one in our sense to-morrow. I have even been told (by Cuol, the Government interpreter at Nasser) that there was no *cut* between Yol and Wangkac primary sections of the Gaajok tribe. He told me that there used to be blood-compensation between these two sections till so many people on either side were killed that it ceased to function. It is clear, if this is the case, that " tribe " must be relative, and to some degree an arbitrary and *ad hoc* term. The only difference between the nomenclature used in this paper and that usually employed is that I shall regard the three divisions of what is generally called the Eastern Jekany tribe, the Gaajak, Gaajok, and Gaagwang, as separate tribes. In doing this I fully realise the arbitrariness of the usage.

This continual process of segmentation in the tribe is due to the 619
weakening of these bonds upon which the solidarity of primitive groups 161
depends, communal life and kinship. The difficulty of pasturing and 167
watering cattle during the dry season necessitates a sparse population 233
to a large area. The more populous a group becomes the greater becomes this economic problem which can only be solved by its members going further and further afield to exploit more distant pastures and water supplies. This has undoubtedly been one of the causes of Nuer expansion during the last century. The result is that members of a group become less and less into contact with one another the larger it grows and the social and political solidarity of the group is consequently loosened.
Thus, the tribe has the minimum of cohesion, while the small village 619
group which lives together in dry and wet seasons is a closely knit 621
community. The cohesion of other territorial groups between the 602
village and the tribe varies in rough proportion to their size. As will be explained later, widening of spacial distance goes hand in hand with widening of distance in blood relationship. For even the bonds of kinship loosen when kin ceases to be localised and begin to spread over a large area, because if kin are to function as economic, social and ceremonial agents they must live together. How else can they pasture their herds in the same plains ? How else can they attend the same weddings and mortuary ceremonies ? How else can they act together

619 as a blood-revenge group? Moreover, as will be seen later, Nuer kinship
● 621 groups are always being diluted by assimilation of unrelated elements,
602 and the tendency is for community of living to supplant community of
blood as the functioning element in Nuer society.

619 We have to bear in mind that segmentation is taking place all the time with every kind of territorial group, from the smallest to the largest, within the tribe, just as it happens to the tribe itself. I shall speak of the largest segments into which a tribe is divided as primary tribal sections, though when these are two in number, as often happens, we may speak of them as tribal moieties, e.g., the Lou tribe is split into moieties of Gun and Mor and, according to Jackson, the Thiang tribe is split into moieties of Ria and Bang. The Gaajok, Gaajak, and Gaagwang, which to-day have the status of separate tribes among the Jekany on the East bank of the Nile, were once primary sections of the Jekany tribe as they probably still are in its western homeland. Now, just as the Lou tribe is split into two primary tribal sections, Gun and Mor, so these sections are split into what I shall call secondary tribal sections, e.g., Gun is divided into secondary tribal sections of Rumjok and Gaatbal, while Mor is divided into secondary tribal sections of Gaaliek, Jaajoah, and Jemac. Each of these secondary tribal sections is split into further divisions which I will call tertiary tribal sections, e.g., the Gaatbal secondary tribal section is split into two tertiary tribal sections, the Leng and Nyarkwac. This may be shown diagrammatically (capitals do not here denote clans):—

DIAGRAM No. II.
LOU TRIBE.



However this may have been in theory, in practice these tribal 619
sections were largely autonomous groups and acted as such in their 628
enmities and alliances. At one time they would be fighting among 631
themselves and at other times they would combine against a third party, though the combinations were not as regular and simple as they were explained to me and as I have stated them on paper. I am extremely ignorant about the history of feuds among sections of the Lou and Jekany tribes and I record here the slight data I possess on the subject. I have already referred to the feud between sections Leng and Nyarkwac of the Lou tribe. This springs out of an earlier feud between sections Thiang and Yol which once formed sub-sections of Nyarkwac. The ancestors of the dominant lineages in the Leng and Yol sections were brothers, whereas the ancestor of the dominant lineage of the Thiang section stood to these brothers in the relation of sister's son. For a long while the Yol and Thiang sections lived peaceably together, but about thirty or so years ago a feud broke out between them and the Thiang section fled, defeated, to seek protection among the Leng section. The Yol sent messengers to the Leng telling them that they were not to receive their enemies or give them a home in their country. The Leng section replied that the ancestor of the LENG lineage was the maternal uncle of the ancestor of the THIANG lineage and that they could not refuse asylum to their sister's sons. This attitude involved Yol (Nyarkwac) in a second feud, this time with a combination of Leng and Thiang.

In Gaajok country the Yol primary tribal section joined the Gaagwang tribe (who seem to have identified themselves so much with the Gaajok tribe that we may almost speak of them as a single tribe separated from the Gaajak by the wide Macar swamps) against several (if not all) sections of the Gaajak tribe. I have a note that Yol fought Nyayan while Gaagwang fought Reng and Kang sections.

It appears that about half a century or more ago the Laang and 619
Wangkac primary sections of the Gaajok tribe were involved in a long 621 ●
feud and that there was warfare between the Yol and Wangkac sections. 628
In the course of this warfare Yol were assisted by their allies the Gaagwang 166
tribe and together they defeated the Wangkac so heavily that they moved to the far south along the Pibor river in the neighbourhood of Beirland. Here they say that they were attacked by " Turuk " and fled north again

619 621 628 166 to the site of their old homes but were then too exhausted to resume their feud with the Yol section.

Another recent feud in Lou country was, I believe, that between Falkir and Nyajekany tertiary sections of Rumjok primary section, and there have been others between various sections of the Mor moiety, particularly between two sections of the Jimac[1].

619 621 628 The commonest occasions of feuds are probably related to economic activities. One section pastures its cattle on grazing grounds over which another section has rights of ownership—rights, as we shall see later, which derive from clan heritage and are divided among the chief lineages of the clan; or men of one section attempt to water their cattle at the wells of their neighbours; or there is conflict over fishing rights. For a tribe is an economic group and so is each of its sections. This is shown in map No. V, for which, together with map No. IV, I am indebted to the industry of Mr. C. L. Armstrong. The curved lines show areas of permanent villages of the Gaagwang tribe and the main sections of the Gaajok and Gaajak tribes, while the straight lines show the area of their dry season encampments. Map No. III was drawn up by myself after questioning Lou tribesmen and is intended to give an idea of the areas of the dry and wet season occupation of the Lou, but I was unable to visit more than a fraction of the area in person. It is, therefore, not likely to be so accurate as Mr. C. L. Armstrong's map of distribution. Both maps show the annual movement of the sections from their permanent villages to their annual watering places and pastures in the 221 dry season. The whole of Nuer life follows the rhythm of the seasons. 133 I will describe this rhythmic movement as briefly as possible as I hope to write a separate paper on Nuer economic life. The major parts of Jekany and Lou countries are huge, flat, treeless plains of cotton soil. Where there is a slight rise in the plain the spot is selected as the site of a permanent village consisting of well-built huts and cattle byres. Where there is a dip in the plain we find rivers, pools and swamps. The Sobat river begins to fall about December when the rains decline and as it falls it drains the streams into which it has emptied its waters earlier

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[1] I take this opportunity to add a footnote to explain that I have not been consistent in my use of Nuer spellings for tribal sections and clan lineages. Thus a clan lineage may be called after a man called Kwe, but his descendants will be *gaat* kwith and his village *cieng* kwith. A clan is called after a man yi and becomes *cieng* yie, or after yoal and becomes *cieng* yol. I fear that I have sometimes used the nominative and sometimes the genitive cases. Hence on Map No. V Yoal and Wangkeac may be read as Yol and Wangkac.

361 114 Pakur village (Lek tribe) on my introduction to Nuerland when I was quite unable to make any maps of social distribution upon which I have the slightest reliance. Under these circumstances I shall speak somewhat loosely of districts and villages, meaning by district an area occupied by secondary and tertiary tribal sections such as the Leng and the Nyajekany of the Lou tribe and the Minyaal and Thiur sections of Gaajok, and by villages I shall mean a part of a district which is well demarcated through the proximity of its homesteads and hamlets, each being more or less joined to its neighbours by cultivated grounds, and through the wide gaps which divide it from other similarly occupied parts of the district, gaps filled by forest, bush or swamp. The precision of these terms and the size of the group to which they refer are very variable. My ignorance of Nuer country, over which I was unable to travel more than a few miles, prevents me from presenting a map of such distributions. I speak, to make it clearer to those on the spot, of such places as Muot Dit, Kurmayom (Lou), Pakur (Lek), Panyam (Dok) as villages, but I am by no means certain that among the Western Nuer and in the eastern Jekany countries villages of this kind are so well defined by geographical isolation.

621 Those cattle camps which I have seen vary in size from a cluster of windscreens protecting some 80 persons to a number of clusters protecting some two to three thousand persons. What information I possess on this dry season distribution will be written up under the heading of Nuer kinship and at the present I only wish to notice that there is a greater degree of solidarity, spacial and moral, in the dry season when the inhabitants of a district are living around a single water supply and when dissentions are subdued than in the wet season when they are scattered in their different villages and when the pulse of life beats stronger, largely owing to increased food supplies which follow from harvesting, and quarrels are considered seasonable.

361 By hamlets I mean groups of homesteads which often enough form a separate cluster on a village plain and which are occupied by a man and his brothers and other persons united to them by marriage or other social links. I do not suggest that these hamlets are always very distinct. By homesteads I mean the dwellings of a single man and his wives and children and cattle. These consist of a single cattle byre and kraal and a number of sleeping and cooking huts grouped around it. It is often convenient to speak of a joint homestead to denote several homesteads,

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rather more inclusive. But both are used to refer to " our home," " our hamlet," "our village." Thus Pakur (Lek tribe) village is divided up into a number of hamlets, and one may speak of each hamlet with the unoccupied land around it which divides it off from neighbouring hamlets as a *dor* and designate it by some landmark, e.g., *dor ngop* (the part of the village which lies near the *gameiza* (fig-tree)), *dor wich kwer* (the part of the village which lies around a sandy eminence) and *dor thok ruop* (the part of the village which borders the forest). As we have already noticed, such territorial expressions become identified with the people who occupy the territory, so in this case we may speak of CUOL *ngop* and CUOL *wich kwer*, the section of the CUOL lineage who live near the *Gameiza* tree and the section of the CUOL lineage who live near the sandy eminence.

I mention these three Nuer words, *cieng*, *gol*, and *dor*, because they are so frequently heard on Nuer lips and to explain that my reason for using them so seldom in the text is that they refer to so many different things according to the context in which they are spoken.

III.

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I have spoken of the clan as forming the iron girders upon which the political structure of the tribe is built up; I have spoken of each tribe having a dominant element within it; I have mentioned that the territorial groups of Nuer country integrate themselves around a kinship nucleus and that their cohesion depends upon this nucleus as much as upon communal life or locality; I have remarked that as the ties of kinship become more and more distantly stretched they weaken and that they weaken also by the dilution of kinship with other elements and that both these processes are reflected in the manner in which tribal groups segment. These assertions need explanation. It is very difficult to analyse Nuer society without repetition because when we speak of the tribe we are also speaking of political aggregates which crystallise around some clans. Yet it is imperative to keep these two groups, the tribe and the clan, distinct if endless confusion is to be avoided. Much of the confusion of Jackson's account is due to the fact that he did not clearly differentiate between them.

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Herein lies a great difficulty. The Nuer tribe always has a name derived from the name of the country which it occupies, e.g., one may

619 sons Bany (bull(ock) name *ma lou*), Yini (bull(ock) name *ma rengyan*) and
614 Thiang, a genealogy which differs from those already given in this paper.
Only detailed research by several observers in different areas can finally
solve the problems, for solutions cannot be deduced satisfactorily from
our present data.

In our account of the tribe we explained how a continual process of fission is going on and how when we speak of a tribe we are using a relative term, since it is difficult to know whether we should speak of a single tribe with moieties or of two separate tribes. Exactly the same process of segmentation is going on within the clan, since a tribe is a political aggregation round a clan or clan lineage. Thus the clan, like its political superstructure the tribe, is also going through a constant process of integration and segmentation. Division into lineages here corresponds with territorial division into tribal sections. Our statement that the larger the territorial area covered by a tribe or a tribal segment the weaker its cohesion finds its kinship counterpart in the tendency for the solidarity of a lineage to weaken the more it expands. Weakening bonds of kinship re-enforce spacial division in destroying communal interests in tribal life just as spacial division re-enforces widening kinship breaches in undermining community of blood. For example, the division of the Lou into two moieties of Mor and Gun is not simply a political and spacial division but is also a kinship cleavage between the descendants of three sons of Denac, Nyang, Dak and Bal, or to state the position in other terms, the division between the sons of Nyang, Dak, and Bal is not simply a creation of genealogical distance but also of political and spacial distance.

613 The clan itself has practically no social cohesion; a major lineage
614 has greater cohesion than the clan of which it forms part but less cohesion
621 than one of the minor lineages into which it is divided. A minor lineage
has great solidarity as has the village or district which represents the
minor lineage with its political aggregate clustered around it. Here close
ties of blood are backed up by community of daily life. Thus the GAT
NACA display little communal feeling in their social behaviour, the major
lineage of GAATBAL on the contrary, owing to their symbiosis, their
common political and economic interests, and their close kinship bonds,
show a much stronger tendency to regard themselves as a distinct social
group.

A minor lineage like the PUAL lineage of the GAATBAL are a community really well knit by common residence and blood who lead a common economic, political and social life. If one takes a smaller lineage still, like the MĂR lineage (see diagram No. V), one reaches the strongest unilateral unit in Nuer society, a unit whose members herd their cattle by communal arrangements; who build their huts contiguously and cultivate gardens side by side; who act as a blood revenge group in case of the homicide of one of their kin; who assist one another in providing cattle for marriage or homicide payments; who act as assistants at all important ceremonies; and who in general co-operate as a mutual assistance society for all purposes of social insurance. At least this is how I understand the relative cohesion of clan segments, though I feel that there is a leaning towards theoretical conclusions not adequately supported by a strong foundation of facts in my presentation. 613 621

The difference between kinship groups and political groups and their interwoven structures may now be demonstrated by a simple diagram though our definitions of groups are too elastic to permit an exact correlation between kinship and political units. 613 614 619 621 631

DIAGRAM No. IX.

Clan + aggregate of strangers ... ... = Tribe.
Major Clan lineage + aggregate of strangers = Primary tribal section.
Minor " " " " = Secondary tribal section. / Tertiary tribal section.

We have the same difficulty in deciding in some cases whether to speak of two clans or of one clan with two major lineages as we had in deciding whether to speak of two tribes or one tribe with two moieties. Thus the JINACA are descended from Denac or Nac. So also are the RENGYAN and perhaps also the THIANG[1]. All these people are therefore JINACA, the people of NAC. Are we, therefore, to speak of them as one clan or as three clans? In other words, can a man of the Lou JINACA marry a woman from the Rengyan JINACA? At present I have no means of deciding this question since Lou and Rengyan are so far apart that normally the question of intermarriage would not arise. It is impossible even to express an opinion on the matter until we know something about the genealogies of the Rengyan JINACA. If they belong to the same major lineages as the Lou JINACA, namely the lineages of GAALIEK, RUMJOK and GAATBAL, we 614

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[1] I write RENGYAN and THIANG in capitals, though correctly speaking I suppose we should write the JINACA of Rengyan and Thiang tribes.

554 brothers whom the *let* had eaten. His father said to him, " Never mind,
614 take your two sisters and let them be your brothers." So in future when
619 Nyaang went fishing he went with his sisters Nyabil and Fadwai. Nyaang
173 is the founder of the GAALIEK lineage, Nyabil of the JEMAC lineage,
773 Fadwei of the JAAJOAH lineage. Whenever we find large sections living as *rul* in a tribe we may expect to discover that bonds have been created between them and the *diel* by myths of the kind cited above. This mythological patent gives them a status in the tribe which is nearly equal to that of the *diel* and amounts to adoption into their kinship framework.
[611] This is often accomplished in Nuer society through the kinship value of the mother's line, for although lineages are, for purposes of descent, reckoned widest through the male line and comprise only agnates in respect to the inheritance of certain clan heirlooms, nevertheless descent through the female line has powerful recognition and there is a tendency for the kinship group to take the form of an association of cognates, of men and their sons and daughters and the children of sons and daughters. When strangers come to live in the village of *diel* and marry into their families there is always a drive towards matrilocal conditions, and descent through the mother is stressed so that the lineage of the strangers' sons is traced to the mother and through her linked to the clan of *diel*. We have already cited a good example of this process in the case of the JEMAC and JAAJOAH clans who trace their descent to the name of their ancestresses while the names of their husbands have been forgotten. Nevertheless, in spite of this, they form separate exogamous groups since they cannot be members of the clan of their ancestresses. They are *gaat nyal*, children of daughters, in contrast to *gaat twot*, children of " bulls " or children of sons. However, in some respects the original daughter who gave birth to the stranger's lineage is treated as though she had been a son, as the myth about Nyaang explicitly states, so that the lineage which springs from her still grows on her own genealogical tree. In this way there is always a tendency to translate bonds of contiguity into bonds of kinship.

554 Not all strangers form such important lineages as the THIANG, JEMAC,
614 JAAJOAH (Lou tribe), GAAT TIEK, GAAT REANG (Gaajak tribe). Many
619 *rul* are members of small lineages of strangers living in the midst of other
• 621 small foreign lineages all of which are aggregated around a nucleus of
gaat twot. Thus in Lou country, among the Lou aristocratic element, the

JINACA, one finds many members of such clans as the JIMEM, JUAK, 554
KIEK, KWERMOANG, in every section. These clans have no longer a *wec* 614
(a home) of their own. Thus there is a story that the JIMEM once had 619
a big *wec* but when some of them were absent their food was eaten by their 621 ●
brothers. This led to a quarrel, which resulted in the dispersal of the 1173
clan, and now, like the other clans mentioned above, they have no central
homeland. There is, however, said to be a small JIMEM pocket near
Lek country.

In the migration of the Nuer eastwards across the Nile there does 721
not appear to have been any systematic colonisation, if we except the 167
Jekany occupation of Dinkaland. Parties of warriors would raid the 614
nearest Dinka homesteads and carry off their boys and girls and cattle.
These warriors at first returned home with their spoil but later a portion of them settled down with their wives and families and built homesteads to the east of the Nile, where they were still in touch with their relatives across the river. Slowly there was a drift further and further eastwards, and whilst the bulk of the conquering warriors belonged to one clan originally there followed a steady infiltration from other clans whose members attached themselves to the original conquerors and settled among them. Also it must be presumed that before the Nuer crossed the Nile and conquered the Dinka country, which lay to the east of that river, some clans were already nuclei of political aggregation from other clans and from Dinka not unlike the aggregations which we find of the west bank of the Nile to-day. At the present time, moreover, families move freely about the country and attach themselves to new local groups into which they marry. Especially does this seem to be the case among the Western Nuer where there is a perfect jumble of small clan lineages. The link between newcomers and the lineages among which they settle is not so much the link of marriage as of descent, since the birth of a child unites the two families of husband and wife by a genealogical link and the sons of the wife become children of the husband's lineage and sister's children of the wife's lineage.

The manner in which lineages split up was well described to me by a 614
Dok man. Members of a lineage give birth to children and they become numerous and spread over the countryside, wandering here and there and everywhere (*cike dah piny*). Then their close relationship (*mar*) ends (*ci mar thuk*). They go and live in the midst of other clans who are

614 distantly related to them (*cike uth ho ji bothna okien*). Here they dwell as friends (*wanĕ ngac kö rö*) and slowly forge new relationship by intermarriage (*ca mar mat e ken*).

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621 I believe that there is another Nuer word which means the same as *rul*, namely, *yian*. Thus one speaks of strangers living in the village of *diel* as *yiankien*, "their strangers dwelling in their midst." They are strangers because they have no hereditary status in the *wec* save through their mothers. Nevertheless *rul* and *yian* are objectionable terms by which to address strangers and would not be used without danger of strong words following. In speech they are assimilated to the dominant lineages and in this way the homogeneity and cohesion of the local group is asserted. One does not make a division between people who live with one, share one's cattle camp and village, help one in feuds, and quarter their herds in common pastures. Hence even if a man is a *rul* (or a *yian*) one does not make allusion to the fact in his presence. Still less does one make allusion to a man's Dinka or other non-Nuer parentage by calling him by the offensive term *jaang*. These strangers are accepted as equal members of the *wec*.

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621 One of my informants, Jok, explained modes of Nuer aggregation very clearly. No *dil* (or *tut*) dwells in a social milieu entirely composed of fellow *diel* (*gaat twot*), for the usual tendency is for *diel* to split up and for the segments to seek political autonomy on their own and found their own social conglomerate in which they will form the aristocratic nucleus. Hence a *wec* has its nucleus of *diel*, and around this nucleus are gathered a host of *rul*, who are often the husbands of daughters and sisters of *diel* who have not left the village of their fathers and brothers on their marriages but whose husbands have built their homesteads in their wives' localities. It is important to bear in mind that these girls cannot marry a *dil* or *tut* but are compelled by exogamous rules to marry into the classes of *rul* and *jaang*. Their children often grow up in the village of their maternal grandfather and his lineage are regarded as their kinsmen while their father's lineage are comparative strangers, and for this reason they tend to trace their descent through their mother rather than through their father and thus hitch on to the genealogical system of the *diel*.

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619 Hence there is always a tendency towards fusion between two lineages who form part of the same tribal section. This is not simply due to the fact that there is often a real or mythological relationship between

the ancestor of one lineage and the ancestress of the other (as with the 614
JINACA and the JIMAC), but is owing also to the fact that their two 619
sections continue to intermarry all the way down their line of descent, since the marriage of a man of lineage A into lineage B does not prevent his cousin marrying into lineage B also. In course of time the two lineages become so intermarried that it is impossible for them to continue to intermarry without breaking exogamous rules. Thus I was told that the GAALIEK lineage (*diel*) and the JEMAC lineage (*rul*) in the Mor moiety of the Lou tribe had reached a stage when a GAALIEK man could no longer marry a JEMAC woman, though he might marry a descendant of a JIMAC woman two or three generations removed.

As we shall see later, captured Dinka are adopted into Nuer families, 641
and as they have no cattle they necessarily depend for sustenance and 597
marriage upon the family of their adoption. They forge descent through 614
the men who have adopted them and their lineage becomes grafted on to the genealogical tree of descent of their foster fathers so that their children count for most purposes as *gaat twot*. Often *rul* and *jaang* who are poor will come and live near a generous man of whom it is said "He is poor and has nothing because he has given everything away"—a great compliment. Such dependants will be provided with marriage-cattle by their patrons and they will bring their wives to the *wec* of the man who has befriended them, and here their children will be brought up as children of the *wec* and count almost as *gaat twot* since they were born through the cattle of a *tut*.

A lineage of *diel* split up as a result of internal dissension and also 614
because a man of personality likes to found his own independent settle- 624
ment where he will be an important person rather than remain a younger 621
brother in a group of influential elder relatives. This, Jok told me, is a reason why the Nuer are dissatisfied with the present arrangements made by the Government, which have as their object the creation of local "chiefs" whose position tends to become formalised, permanent, and hereditary. To them this is a rigid interpretation of political power based on a territorial rather than personal basis which stabilises the control of a single man or lineage in a country where every Nuer carries his baton in his knapsack. It does not follow that a ~~man must~~ be a *dil* to gain influence among his fellow villagers. He may be a *tut* of some other lineage than the dominant lineage of his tribe who has been able to

614 624 621 establish himself and his near kin as the social leaders of the locality in which they live. Also I believe that the common view expressed by Europeans that the Nuer leopard-chiefs were once powerful political chiefs whose power has lately been undermined by Arab influence and the development of lines of influential prophets and that their power must be re-established is based on a one-sided appreciation of the facts (*see* section No. VII).

621 563 597 727 We have seen that two elements in a Nuer village are the *diel wec* and the *rul wec*. The third element in a Nuer village is the Dinka *jaang wec* and this falls into two types, captured Dinka and Dinka who have come to live among the Nuer of their own free will. Boys and girls captured in war—for adults are usually put to the spear, only very small boys and unmarried maidens being carried off to Nuerland—are brought up as children of their captor's household and treated as his own sons and daughters. Two of my informants, Jok and Tutrial, gave me a very clear summary of the position of a captured Dinka. Their captor in no way distinguishes them and his own sons and daughters, and neither he nor any of his family would refer to them as *Jaang* (Dinka), which is a term of deep contempt and insult. They do precisely no more and no less work than any other member of the household and are in no manner degraded or humiliated. In answer to my questions whether a captured Dinka would not be expected to do more hoeing or tending of the cattle than children of the family, my informant's reply was decisively clear "You ask me whether he would not work harder than the sons, well, is he not a son ?"

When I asked Tutrial whether you would not address your captive as "Jaang," he replied with some impatience at my denseness "Are you likely to do such a thing ? Now listen, be quiet and I will tell you. When you marry a woman with cattle and sleep in the same hut with her does anyone come and ask you why you sleep so late in the day ? Now when you go out to capture a Dinka your foot is pierced by thorns—you have got to be stalwart for that ; you are ravished by hunger—you have got to be stalwart for that ; you have spears thrown at you—you have got to be stalwart for that too ; now I ask you when you have got your Dinka are you likely to call him a *Jaang* ? Did you not win him because you were strong ?"

We have had several small thefts of fruit at the mission, and Nuer living on the compound have assumed the part of self-appointed police without any idea of material gain for themselves. They have occasionally assumed such responsibility for the property of the white man as to make it necessary for them to declare a Nuer—even a relative—to be a wrongdoer. 577

A Nuer is faithful to his family and tribe, remembering his obligations to them and knowing that he may be sure of their support in times of urgent need. This pride in his tribe must not be undermined. Age-old customs and teaching have given him a heritage of which he may well be proud. 577 621

As the white man and the Arab mingle in his life and as western civilization touches Nuerland may the good in the Nuer remain undestroyed. May he not become dissatisfied because his ways are not those of western nations, but help to make his tribe better because he has lived in it. We must be careful not to designate as evil everything that is not part of our western civilization. If we teach the Nuer of Christ and they follow in His way, He will perfect their lives. 600

POISE

You cannot hurry a Nuer unless you can give their war cry—which brings immediate action. 157

Nuer have been taken to Khartoum, and while they were amazed at all the wonderful (to them) things which they saw, no one who saw them on the street could have guessed any of their thoughts by their actions. They were quiet and self-possessed amid surroundings that were entirely strange to them. One boy was even heard to remark that 'Khartoum had nothing to boast of, except that it did not have mosquitoes'.

SOCIAL ORGANISATION AND POLITICAL STRUCTURE

SOCIAL UNITS

592 1. A single living hut occupied by a wife, her children and, at times, her husband if the family is a polygynous one.

2. The homestead *(gol)* consisting of a byre and huts, and containing a simple family group or polygynous family, sometimes with other relatives attached.

621 3. The hamlet *(dhor)* consisting of a cluster of homesteads surrounded by their pastures and cultivations. Each hamlet has its own name and is generally inhabited by close agnatic kinsmen, often brothers and their families.

621 361 4. The village, a very distinct unit, usually referred to as *cieng* (home). The population may be anything from fifty to several hundred. If the village is built on a ridge, homesteads and hamlets may be strung out for a considerable distance. Villages are usually distinct from each other, there being several miles of bush, swamp and grass between them. Well-marked paths, made by the constant visits exchanged by the inhabitants, join the villages to each other.

621 A village consists of a community linked by common residence and by a network of kinship and affinal ties. The inhabitants co-operate in many activities - social, economic and military - and form dry-season camps together. The village is the political unit of Nuerland and is the smallest group which is not specifically of a kinship order.(1) People of one village have a strong feeling of solidarity vis à vis people of other villages.

621 361 5. The cattle camp *(wec)*; early cattle camps may be found wherever there are depressions, pools, and patches of fresh pasture. The location of the larger camps is largely predetermined, as only a few places provide adequate pasture and water at the height of the dry season. The size of the camp depends on these resources and, whereas early camps consist only of a few households, later camps vary from 100 to 1,000 souls. Such concentrations comprise larger or smaller tribal sections and each group has its own separate section of the camping ground. Neighbouring villages participate in a cattle camp, and relatives from distant villages may join their kinsmen. There is more co-operation within a camp than within a village, as the cattle are herded together and milked at the same time, whereas in a village each homestead, in the main, herds its own cattle. A large camp is called after the dominant lineage in it or after the main village community occupying it.

634 6. The district, "an aggregate of villages and camps which have easy intercommunication".(2) It corresponds to a small tribal segment, although it may include a whole tribe or more in the case of very small

(1) Evans-Pritchard, *The Nuer*, 1940, p.115.
(2) *Ibid.*, p.116.

tribes. The people in a district intermarry, conduct feuds, go raiding 634
together, and so forth.

Nowhere in Nuerland do environmental conditions permit complete
autonomy and exclusiveness of small village units. Pastoral pursuits and 621
the needs determining transhumance cause concentrations of people and co-operation
for half the year in dry-season camps, thus creating a wide
inter-dependence which is lacking among the Anuak and many other tribal
groups.

TRIBAL CHARACTERISTICS

Each tribe has a name, occupies a particular territory and owns and 619
defends its own building sites, pastures and water supplies. Large rivers,
or wide stretches of uninhabited country, generally divide adjacent sections
of contiguous tribes, and these sections tend to move in different
directions in the drought. Members of the same tribe have feelings of
cohesion and fellowship with each other which do not extend to members of
other tribes.(1) The age sets are organised tribally.

The tribe is the largest group of which the members habitually combine
for raiding and for defensive measures. During the period of mili- 619
tary unity, there is a truce to internal disputes. Inter-tribal fighting 721
is fierce but is subject to certain conventions concerning women and children
which do not extend to fighting between Nuer and Dinka or other
neighbours.

Within a tribe compensation *(cut)* is paid for homicide. This is the 619
invariable definition of tribal allegiance in every part of Nuerland.(2)
Between tribesmen there is also *ruok* - compensation for torts other than 682
homicide. If a man kills or injures a man of another tribe no breach of
law is recognised; no obligation is felt to settle the dispute and there 683
is no machinery to do so.

A tribe is a segmented structure in that it consists of a number of 619
small divisions, each occupying a particular part of the tribal territory.
There is opposition between these segments as well as a certain co-operation
and cohesion.

Within each tribe there is a dominant clan and there is a close relationship between the lineage structure of this clan and the various territorial segments of the tribe. This is of the greatest importance for understanding Nuer structure and organisation.

Nuer tribes have no common organisation or central administration making for political unity in the generally accepted sense of the word. Yet adjacent tribes do form a political system and, in spite of inter-tribal opposition, will display a united opposition to different neighbouring groups.

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(1) Evans-Pritchard, *The Nuer*, 1940, p.121.
(2) *Ibid.*

Leopard-skin chiefs are usually men from certain lineages and, although they are not all members of the same clan, they are believed to 791
have a kind of kinship through their office. The leopard-skin chief, unlike similar ritual officials in other Nilotic groups, does not represent 624
or symbolise the unity and exclusiveness of any political group.

The Elders

The elders of a local community provide leadership and advice when 554
required. Prestige and influence do not come with age alone, however; a man of outstanding reputation is called *tut* (bull), a term used to refer to men of high social standing who belong to lineages other than those of the dominant clan. A *tut* is head of a family and in charge of a homestead and a herd of cattle; he has the support of a large number of relatives and, in addition, he must be an able man with personality.

The *gat twot* is 'the bull of the camp'. He has no defined status or authority but enjoys considerable prestige through a combination of factors - ownership of cattle, age, ritual powers, many children and relatives, personal ability and tact, and so forth. His prestige makes his personal actions and decisions influential so that, when he decides to move his homestead, others will naturally follow suit.

Districts and villages have no headmen or councils. There is not 621
even a war leader except that, in a fight, the warriors automatically follow their most notable and brave fighters. There is thus an absence of legal institutions, official leadership and organised political activity. Evans-Pritchard writes: "their state is an acephalous kinship state...." and it is the kinship structure, in conjunction with territorial segmentation, which forms the basis of Nuer political organisation.(1)

RELATIONSHIP BETWEEN NUER TRIBAL SEGMENTS AND THE LINEAGE SYSTEM

There are at least 20 clans in Nuerland, together with a number of 614
small lineages of Dinka origin. A Nuer clan is an exogamous group of agnates who trace their descent from a common ancestor. The clans are 613
segmented into lineages and each lineage is further segmented. Thus, a clan is segmented into maximal lineages, the maximal lineages are segmented into major lineages, the major lineages into minor lineages and minor lineages into minimal lineages. A minimal lineage, in the case of the Nuer, consists of a descent group deriving from a great-grandfather or great-great-grandfather. Clans and lineages are distinguished by separate names, ritual symbols and honorific titles.

The political and lineage groups are not identical but there is a certain correspondence. Often they bear the same name; for example, Gaawar 613
is the name of a tribal area, of the tribesmen inhabiting it and also of [614]
the most powerful clan in it. Like the tribe, the Nuer clan has many of the characteristics accompanying segmentation. Lineages are distinct groups only in relation to one another and there is fusion of collateral

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(1) Evans-Pritchard, *The Nuer*, 1940, p.181.

613 lineages of the same branch in relation to a collateral branch.(1)

621 613 Although Nuer lineages are not corporate, localised communities, they are frequently associated with territorial units.(2) Every Nuer village is associated with a lineage, though the members of it may form only a small part of the population. The village community is identified with, and called by the name of, the lineage which forms the agnatic core to which the other families and lineages are aggregated. For everyday purposes the position of this dominant lineage does not appear to be very different from that of the other lineages in the community. It is only in connection with certain ritual matters and in reference to rules of exogamy, that lineages are completely autonomous groups and become clearly differentiated from each other. Lineages function within, and as part of, local communities of all sizes, from the village to the tribe.

THE DOMINANT LINEAGES AND STRANGER LINEAGES

613 When a tribal section is called after a lineage it does not follow that all the members of the lineage live there, though the majority may do so. It merely means that the lineage is a dominant one, the nucleus of the community, although large stranger lineages are often included in the area.

Migration, quarrels, intermarriage and so forth, have caused a dispersion of lineages. If, for some reason, a man or a group of brothers leave their village, they may go and live at the village of a married sister. Here they are respected as *jiciengthu* (in-laws) and their children are accepted as *gaat nar* (children of the mother's brother). The people they join are to them *cieng conymar* - 'the people of my sister's husband', and *gaat nyal* - children of a female agnate. Except for ceremonial purposes, they will enter into close relationships with the dominant lineage of the community. However closely associated lineages may become, a lineage never merges into a different clan, for there are always certain ritual observances which cannot be shared; and only a certain amount of inter-marriage may occur, for otherwise the incest rules would be violated. A lineage can only merge with a collateral lineage of the same clan.

614 613 The close association between lineages and territorial segments, which constitutes the political importance of the clan system, is seen in the correspondence between the segments of a dominant clan and the tribal or territorial segments.(3) A certain tribe has a dominant clan associated with it. The maximal lineage of the clan corresponds to the primary sections of the clan; the major lineages correspond to the secondary sections, the minor lineages to the tertiary sections and the minimal lineages are associated with the villages comprising the tertiary sections (see above p.140). The dominant clan is therefore a framework on which the political system of the tribe is built up through a complex series of kinship links.(4)

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(1) See Evans-Pritchard, *The Nuer*, 1940, pp.192-3, for full discussion of the segmentation of lineages and underlying structural principles.

(2) Evans-Pritchard, *The Nuer*, 1940, p.205.

(3) *Ibid.*, pp.211-12.

(4) *Ibid.*, pp.205-12 for further details.

DIFFERENTIATION OF STATUS AMONG THE NUER

There are three categories in a Nuer tribe: *diel, rul* and *jaang*. 614

The dominant clan is *diel* and members of other clans settling after the establishment of the dominant lineage are *rul* (strangers). Not every member of a clan lives in a tribe where his clan has a superior status; a man is a *dil* (an aristocrat) only in the tribe in which his clan is dominant, for the status of *diel* derives from residence on land owned by the clan. Prestige, not authority or any particular power, is attached to the *diel*; they are owners of the land, the village sites and pastures. Strangers live on the land through some link with, and the recognition of, the true owners. 554

A *rul* (stranger) is a Nuer who is not a *dil* in the tribe in which he 554
lives. He may be influential, highly respected and even a *tut* (bull), 609
though not belonging to the aristocratic clan. He may, indeed, group round him an entire village community in spite of the presence of several tribal aristocrats in the same village; in this respect personality and influence may count for more in everyday local affairs than a particular lineage affiliation.(1) In fact, in the everyday life of a village community, the only socially significant difference between aristocrats and strangers is in the assessment of blood cattle, and this is only found among the Jikany tribes.

'Tribal bulls', on the other hand, belonging to a lineage of the 613
dominant clan of a tribe, are far more important in the political system 554
than the *rul* bulls, for they are centres of clusters of kin and are also agnates, each having in relation to the others a structural position in the lineage system of the dominant clan.(2)

A Dinka adopted into a joint family is a *jaang* to the people of the family. To people outside the family he is a member of it and his status is not differentiated; he has all the rights and obligations of other members. Only the assessment of his value in blood cattle differentiates him from the Nuer. 597

Strangers may be attached to the dominant clan by adoption or by marriage. [614]

Kinship values are the strongest sentiments and norms in Nuer society, 602
and all social interrelations tend to be expressed in kinship idioms.
Since there are no headmen or councils or any of the usual forms of govern- 621
ment, it seems that kinship values, combined with the position of the dominant lineage and its linked stranger lineages, are the originising agencies and the means of unity in each community.

The political system of the Nuer is constituted by the relations be- 621
tween territorial segments in the tribal system; cohesion and organisation 613
are achieved through the association of the lineage system with the terri- 619
torial units. The lines of cleavage tend to coincide, for lineages are

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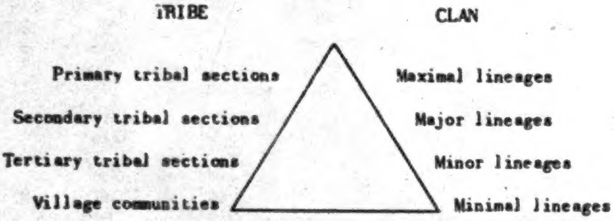
(1) Evans-Pritchard, *Kinship and Local Community among the Nuer*, 1950, p.370.
(2) *Ibid.*, p.390.

621 613 619 not corporate groups but are embodied in local communities through which they function structurally.(1) The tendency towards the co-ordination of territorial and lineage segmentation can be seen in various stages of territorial expansion between the household and the tribe.(2)



The action and interaction of the various tribal segments and the underlying principles of opposition and fusion are seen in operation when disputes and cases of homicide are dealt with, and in times of feud and war. This acephalous kinship system has a determining influence on the nature of the age sets, on the rules of exogamy, on the character of kinship, on the people, and indeed on every aspect of Nuer life.

NUER NAMES

551 Every Nuer has a personal or birth name *(cot pany)* which is given without ceremony by the parents shortly after birth; he may have a second personal name given by his maternal grand-parents. In later life, he is addressed as gwa (father) by the younger generation. In addition, everyone inherits a *cot paak*, an honorific or praise name of the clan of his father, which is used mostly on ceremonial occasions. A man's maternal kin will tend to use the honorific name of the mother's clan.

At initiation a man acquires an ox name derived from the colour or characteristics of the ox given him on this occasion by his father. A man is given his ox name by his age mates in particular. Maidens take ox names from the bulls calved by the cows they milk, but these are seldom used except at dances.

A dance name, nickname, or traditional name may be used in conjunction with ox names at dances. In addition a man is often addressed as 'son of --' followed by the name of his father. Among maternal relatives the matronymic is used instead of the patronymic used among paternal kinsmen. A man is called after his elder son by his in-laws, while a woman who has status in her husband's home in virtue of having borne him a child is addressed by the name of her eldest child. A Nuer, therefore, may be addressed by a number of different names or titles. The one actually used on any occasion depends on the age, relationship, and clan of the speaker, and also on the response and mode of behaviour which it is intended to evoke.(3)

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(1) Evans-Pritchard, *The Nuer*, 1940, p.240. (2) *Ibid.*, p.248.
(3) Evans-Pritchard, *Uganda Journal*, 1948, Vol.12, No.2, p.166.

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/For a discussion of the social structure, kin relationships, tribal genealogy and general kin regulation of marriage, see 116 of the AU1 Afghanistan file, 21:Bacon, pp. 130-141./